



Appeal Decision

Inquiry held on 5, 6, 7, 8, 14, 15 and 25 November 2024

Site visit made on 11 November 2024

by J Woolcock BNatRes (Hons) MURP DipLaw MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th January 2025

Appeal Ref: APP/E1855/W/22/3310099

Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster, DY10 3QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the 1990 Act) against a refusal to grant planning permission.
 - The appeal is made by NRS Aggregates Ltd against the decision of Worcestershire County Council (WCC).
 - The application Ref is 19/000053/CM.
 - The development proposed is a sand and gravel quarry with progressive restoration using site derived and imported inert material to agricultural parkland, public access and nature enhancement.
 - This decision supersedes that issued on 5 May 2023. That decision on the appeal was quashed by order of the High Court.
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Decision

1. The appeal is dismissed.

Preliminary matters

Procedural considerations

2. It was made clear at the Case Management Conference (CMC), held on 7 August 2024, that the re-determination Inquiry would not be reviewing the previous decision, which now has no legal effect. Nevertheless, it is a material consideration insofar as any differences in reasoning with the previous Inspector's reasoning would need to be explained. It was also clarified that the re-determination Inquiry would hear the evidence afresh, taking into account the development plan and other material considerations as they are now, not as they were at the time the quashed decision was determined.¹
3. In addition to the accompanied site visit on 11 November 2024, and with the agreement of the main parties, I visited the locality unaccompanied on 13 November 2024. The Core Documents (CD) for the original appeal were supplemented with additional documents for this re-determination. Documents submitted in the lead up to and during the re-determination Inquiry are numbered rID. All CD and rID documents were added to WCC's appeal website. The proceedings of the Inquiry were live-streamed.

¹ rID1.

4. Possible planning conditions were considered during the proceedings on a without-prejudice basis.² A Round Table Discussion (RTD) about suggested planning conditions and other outstanding matters took place online on 25 November 2024. Closing submissions by the main parties were subsequently made in writing.³ The Inquiry was closed in writing on 6 December 2024.
5. The appeal continues in the name of the applicant, NRS Aggregates Ltd, notwithstanding the name change in 2020 to NRS Saredon Aggregates Limited.⁴
6. Stop the Quarry Campaign (STQC) was granted Rule 6(6) status pursuant to The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000. STQC represents over 4,000 local residents and has a constitution, along with an action committee. Representatives of STQC spoke at the original WCC planning committee meeting, attended the CMC, and participated in the Inquiry opposing the proposed development.
7. The application was accompanied by an Environmental Statement (ES).⁵ The ES was the subject of several requests for 'further information'.⁶ An ES Addendum was submitted in July 2024 by the appellant regarding a proposed amended scheme.⁷ This addendum is 'any other information' for the purposes of the EIA Regulations.
8. WCC refused the application for nine reasons, but at the re-determination Inquiry only defended Reason for Refusal (2), concerning an unacceptable impact on the openness of the Green Belt.⁸ STQC and interested persons maintain objections to the proposed development on Green Belt and other grounds.

Local and national planning policy

9. The development plan for the locality includes the Worcestershire Minerals Local Plan, adopted in July 2022 (MLP), the Worcestershire Waste Core Strategy Development Plan Document 2012-2027 (WCS), adopted in November 2012, and the Wyre Forest District Local Plan 2016-2036 (WFLP), adopted in April 2022. The appeal site lies within the West Midland Green Belt as designated in the WFLP. Consultation on the Mineral Site Allocations DPD has been delayed by WCC until there is clarity about changes to the wider plan-making system.
10. A revised National Planning Policy Framework (NPPF) was published on 12 December 2024 and the parties were given time to submit written representations about any changes relevant to this appeal. I have had regard

² rID9, rID10, rID73, rID111, rID224, rID229 and rID235.

³ rID238, rID239 and rID240.

⁴ rID56 and rID57.

⁵ CD1.03 pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations).

⁶ CD3, CD5, CD8 and CD14.

⁷ CD15.

⁸ The report to WCC Members by the Head of Planning and Transport Planning recommended approval of the application, but it was refused for the following reason: (1) Concerned a policy from the now replaced County of Hereford and Worcester Minerals Local Plan. (2) Green Belt. Other reasons concerned the impact on residential amenity and local schools (3), the local economy (4), protected trees (5), the bridleway along the A449 (6), impact on highways (7), the environment and wildlife (8), and impact on the health of the local population (9).

to the NPPF; the Planning Practice Guidance (PPG) regarding Minerals, Green Belt, Air Quality and Noise; the National Planning Policy for Waste (NPPW); and the Noise Policy Statement for England (NPSE).

11. Defra published interim planning guidance for PM_{2.5} targets in November 2024 while the Inquiry was adjourned.⁹ This interim guidance was discussed at the RTD held on 25 November 2024.

Statements of Common Ground and suggested planning conditions

12. WCC and the appellant agreed three Statements of Common Ground (SoCG). The main SoCG included the reasons for refusal that would not be defended by WCC, along with matters on which the parties disagreed.¹⁰ The Biodiversity SoCG includes a biodiversity net gain assessment.¹¹ The need for sand and gravel, and for inert waste capacity, was included in a Minerals and Waste SoCG.¹² WCC and the appellant agreed conditions to be imposed in the event that planning permission was granted.¹³ STQC commented on the suggested conditions.

The site and its environs

13. The 46 hectare (ha) appeal site is located to the north of Wolverley Road (B4189), to the west of Wolverhampton Road (A449) and about 40 m to the east of Brown Westhead Park, which is a residential estate road. Some 26 ha of the site is proposed for sand and gravel extraction. The appeal site is part of the open countryside that lies between Kidderminster, Cookley and Wolverley. Land to the east of the A449 is part of a strategic allocation in the WFLP, which has been released from the Green Belt. WFLP Policy SP.LCV1 applies to this land and provides for the development of Lea Castle Village. This would deliver around 1,400 dwellings (of which 600 have planning permission and there is an outstanding application for a further 800), along with provision of around 7 ha of employment development, provision for a primary school and a village centre. Lea Castle Village is currently part built and the Illustrative Masterplan indicates future phases for residential development adjacent to the A449.¹⁴
14. The appeal site is divided into an eastern section (13.5 ha) and western section (12.5 ha) by bridleway WC-626, which with bridleway WC-625 to the north of the appeal site, links South Lodges on Wolverley Road with North Lodges at the junction of Castle Road and the A449. Footpath WC-624 extends east/west across the western section of the appeal site.
15. The route of bridleway WC-626 is also the access to The Bungalow and its associated equestrian centre. There are other residential properties at Castle Barns and the Whitehouse to the north of the appeal site. Keepers Cottage lies to its north-west. Broom Cottage and Four Winds lie to the south of the site. Heathfield Knoll School and First Steps Nursery are located on the opposite side of the B4189 to the appeal site and near to its south-western corner. There are other schools in the wider area.¹⁵

⁹ rID225.

¹⁰ rID2.

¹¹ rID5.

¹² rID8.

¹³ rID235.01 and rID235.02.

¹⁴ CD12.45.

¹⁵ rID21 and rID40.

16. The appeal site is predominantly in agricultural use and is grades 2 and 3a land, which is categorised as the Best and Most Versatile (BMV) agricultural land. Several trees within the appeal site are subject to Tree Preservation Orders. The whole of the appeal site is located in a Groundwater Source Protection Zone. Hurcott Wood, which is an ancient wet woodland, is a designated Site of Special Scientific Interest (SSSI) located about 1.2 km to the south-east of the appeal site. There are other SSSIs within 3 km of the site.

Heritage assets

17. The appeal site is part of the former parkland associated with Lea Castle, which was demolished in 1945. However, the site of the former Castle and its gardens are outside the appeal site. The North Lodges and Gateway to Lea Castle, which is located to the north of the appeal site, is a grade II listed building. Sion Hill House and Wolverley Court are both grade II listed buildings, located some 250 m and 500 m respectively from the appeal site. I am required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of a listed building. The Staffordshire and Worcestershire Canal Conservation Area lies some 65 m to the north-west of the appeal site.¹⁶ Great weight should be given to the conservation of these designated heritage assets.¹⁷ Non-designated heritage assets in the locality include; 1 and 2 South Lodges, Lea Castle Farm, Broom Cottage and Keepers Cottage.¹⁸

Request to consider an amended scheme at the appeal stage

18. The appellant seeks to amend the application scheme because quarry plant and infrastructure has evolved since the proposal was first conceived in 2018/19. A revised plant is available to the appellant that would be lower in height, occupy a reduced footprint and would result in lower noise emissions. This would enable changes to the height and duration of some of the proposed bunds.
19. The Planning Inspectorate's *Procedural Guide: Planning appeals – England* states that the appeal process should not be used to evolve a scheme. Despite this general principle, consideration will be given to accepting amendments having regard to the substantive and procedural tests that derive from the *Wheatcroft* and *Holborn Studios* judgments.¹⁹
20. The main parties provided written submissions about the appellant's request to consider an amended scheme.²⁰ STQC objects on the grounds that the change would result in a fundamentally altered scheme and that consultation was inadequate. WCC does not oppose consideration of the amended scheme. This matter was discussed at a RTD on the first day of the Inquiry, but I reserved my judgement about whether to accept this request until the Inquiry had heard all the evidence.²¹

¹⁶ rID47.

¹⁷ NPPF paragraph 212.

¹⁸ rID46.

¹⁹ Paragraph 16 of *The Planning Inspectorate's Procedural Guide: Planning appeals – England*, dated September 2024, which cites *Bernard Wheatcroft v Secretary of State for the Environment* (1982) and *Holborn Studios Ltd v The Council of the London Borough of Hackney* (2018).

²⁰ rID12, rID13 and rID14.

²¹ rID15.

21. STQC questions the justification for requesting consideration of an amended scheme. However, the reason for the request, albeit relevant, is not a determinative consideration. Whether the amended scheme is a substantially different scheme, along with whether its acceptance at this stage would be prejudicial to anyone, are more important considerations.
22. Details about the proposed amended scheme are set out in CD15. The proposed changes include a reduction in processing plant height from 12 m to 6.334 m and a reduction in processing plant footprint (from 2,752 m² to 451 m²). These amendments, along with a reduction in noise levels from the processing plant, would enable changes to some of the proposed bunds.
23. Bund 3 (350 m in length) adjacent to the Plant Area would be reduced from part 4 m / part 6 m high to a uniform height of 3 m. Bund 7 (189 m) to the west of The Bungalow would be reduced from 6 m to 4 m. Bund 11 (103 m) would no longer be needed. Bund 13 (126 m), Bund 14 (86 m) and Bund 16 (144 m) would all be reduced from a height of 4 m to 3 m. The removal of Bund 18 (190 m) towards the eastern side of the proposed extraction area would enable the planting of a native hedgerow north/south across this part of the appeal site in the Initial Works Phase rather than at Final Restoration Stage. Bund 19 would be slightly longer with the removal of Bund 18, increasing from 117 m to 128 m in length, but would reduce in height from 4 m to 3 m. The duration of Bund 5 (88 m), located within the Plant Area, would reduce from 10/11 years to 5.5 years.²²
24. Notwithstanding these proposed changes, the scheme would essentially remain a sand and gravel quarry with phased extraction and progressive restoration. The tonnage of mineral extracted, and of inert fill imported, would be comparable in the original and proposed amended schemes. So too, would access arrangements. The proposed changes to the number of bunds, and with respect to the height, length and duration of some of the retained bunds, together with some landscaping alterations, would not result in a substantially different scheme for the purposes of applying the *Wheatcroft* judgment.
25. I turn next to the procedural test. In doing so I have had regard to the differences between the circumstances in the *Bramley* case and what occurred in the lead-up to this re-determination Inquiry.²³ STQC considers that the consultation with the public was inadequate. Details were uploaded onto WCC's webpage for the application and appeal, with dates and locations for consultation events, and notification letters were sent to all consultees. The consultation ran for 30 days from 5 August to 6 September 2024. The appellant ran two public consultation events at Wolverley Memorial Hall on 7 August and 21 August 2024. Notices were placed in the local press. Corrections were made about incorrect references to Wolverley Village Hall and to misleading dates about the deadline for comments. STQC added a link on its Facebook page to WCC's appeal webpage that included details about the amended scheme. However, the appellant did not send letters to third parties who had previously commented on the application and the appeal.

²² rID16.

²³ *R (Bramley Solar Farm Residents Group) v SoS LUHC* [2023] EWHC 2842 as cited in rID13.

26. WCC and the appellant consider that the requirements of EIA Regulation 25 paragraphs (3) to (11) were met except for Regulation 25 (3) (g) and (i).²⁴ These require an address in the locality where the information may be inspected. The notice here only included a web address and an address in Warwickshire, some 44 miles from Kidderminster, where copies could be obtained. The documents were available to view during the two consultation events. Notwithstanding these defects, WCC and the appellant concur that there was substantive compliance with Regulation 25 (3) as a whole.
27. STQC considers that the fact that documents were not hosted in the locality for at least 30 days could cause prejudice to those wishing to respond to the consultation. The procedural unfairness is compounded, in STQC's submission, by reason of the failure to display site notices and to send letters/emails to those who had previously made representations, especially when there are people in the locality who have difficulty accessing material online. STQC adds that the £100 cost for a copy of the information would have been a likely deterrent to obtaining a paper copy.²⁵
28. I saw at my site visits that banners were displayed in the locality drawing attention to the date and venue for the Inquiry. Many people attended the Inquiry when it was sitting, with some giving oral evidence. In addition, the proceedings were live-streamed, and recordings were made available for seven days on WCC's website. The Inquiry accepted many written representations from interested persons who were unable to attend in person.²⁶ Throughout the Inquiry proceedings, reference was made to both the original and proposed amended schemes. The written documentation submitted, both in the lead up to the Inquiry and whilst it was sitting, which was all available to see on WCC's appeal website, also referred to the amended scheme. It seems likely to me that anyone who was interested in the proposed development would have had a reasonable opportunity to consider, and to comment on, the request to deal with the appeal on the basis of an amended scheme.
29. Any defect here in applying the EIA Regulations consultation requirements would not, in my view, be sufficient to rule out consideration of an amended scheme given the extensive opportunities this Inquiry provided for public engagement. I am satisfied that the ES, with the submitted further information and any other information, reasonably complies with Schedule 4 of the EIA Regulations. In considering the appeal, I have had regard to the Environmental Information, which includes the ES, the further information and any other information submitted, along with all the representations made about the environmental effects of the development. Taking all these factors into account, it seems to me unlikely that any procedural unfairness would result from accepting the proposed amendments to the appeal scheme.
30. The amended scheme would not be a substantially different scheme to that considered by WCC in refusing the application. Taking into account both the measures undertaken in advance of the Inquiry to draw attention to the amended scheme, along with the engagement of so many interested persons in the Inquiry proceedings, which addressed this issue, I consider it unlikely that anyone would be prejudiced by accepting the amendments. The proposed

²⁴ rID71.

²⁵ rID232.

²⁶ Some of these are cited in this decision as footnotes to illustrate the issues raised, but the fact that others are not cited does not mean that they have not been considered.

alterations to the scheme were considered in detail at the Inquiry, during which all the evidence necessary to properly assess the amended proposal was adduced. WCC and STQC oppose granting planning permission for both the original and the amended schemes.

31. Having regard to the *Wheatcroft* and *Holborn Studios* judgments, I consider that it would be appropriate in the circumstances that apply in this case, to exceptionally deal with the appeal on the basis of the amended scheme. I have, therefore, in determining this appeal, considered the proposed development to be the scheme as described in CD15, which in the remainder of this decision is referred to as the 'appeal scheme' or the 'Lea Castle scheme'.

The proposed development

32. The appeal scheme proposes the extraction of 3,000,000 tonnes of sand and gravel with progressive restoration over an 11-year period.²⁷ The operation would include initial works to construct a Plant Area for crushing, screening, sorting and stockpiling sand and gravel, along with portacabins, offices and welfare facilities. The Plant Area would be set 7 m below the existing ground level. The quarrying operation would involve five phases of extraction, along with the import of 600,000 m³ (equating to about 1,020,000 tonnes) of inert material for restoration. Depositing inert waste would require an Environmental Permit from the Environment Agency (EA).
33. Phases 1, 2 and 3 would take place in the western section of the appeal site, with the extraction of 900,000 tonnes of sand and gravel, along with the import of 198,350 m³ of inert material. The extracted mineral and imported infill would be transferred to/from the Plant Area by means of a conveyor, about 80 m long, that would pass beneath bridleway WC-626. The eastern section of the appeal site, which would include the Plant Area and Phases 4 and 5, would extract 2,100,000 tonnes of sand and gravel, and would require 401,650 m³ of inert material for restoration.²⁸
34. Depth of extraction would vary with the undulating base of the deposit, but for the western part of the appeal site it would typically be between 5-7 m. For the eastern area the depth of working would range from 12 m to a maximum depth of 18 m.²⁹ A planning condition could specify that no excavation or extraction would take place below specified heights Above Ordnance Datum.³⁰ No de-watering is proposed as extraction would take place some 16-24 m above the water table.
35. Vehicular traffic to the appeal site would be via a new junction onto Wolverley Road (B4189). This would require the removal for a distance of 63 m of the existing brick wall that encompasses the former parkland.³¹ Bricks would be stored for later reinstatement.

²⁷ CD1.02 paragraphs 3.1.7 and 3.4.2 state that phasing would be: Initial Works (1.5 years), Phase 1 (0.75 years), Phase 2 (1 year), Phase 3 (1.25 years), Phase 4 (3.25 years), Phase 5 (2.25 years) and Final Works (1 year).

²⁸ CD1.03 paragraph 4.5.2 and rID74 Table I.2. Note Table I.1 of rID74 does not include 60,000 m³ of inert material for Phase 5.

²⁹ CD1.02 paragraph 3.4.1.

³⁰ rID235.02 suggested Condition 8.

³¹ CD1.09 Proposed Site Entrance Drawing WY TA 19-1.

36. Progressive restoration with site derived and imported inert materials would be to agricultural parkland, public access and nature enhancement. This would include approximately 2.7 km of new public bridleways and permissive bridleways, along with five pocket parks. Approximately 3.42 ha of native woodland blocks would be established, including reinstatement of Broom Covert. The concept restoration scheme includes the planting of about 170 avenue and parkland trees, reinstating the historic avenue of trees along bridleways WC-625 and WC-626. Some 439 m of hedgerow would be strengthened, and about 579 m of new hedgerow planted. A new acid-rich meadow grassland (7.5 ha) would be developed to promote biodiversity and educational opportunities.³²
37. The appellant, the proposed operator and the owner of the land, submitted a Unilateral Undertaking (UU), dated 1 December 2024, pursuant to section 106 of the 1990 Act.³³ Its purpose is to secure plans for biodiversity and landscape management, along with implementation, monitoring and management of a 30-year aftercare scheme. It would provide for access routes within the appeal site to be maintained beyond the duration of the development.³⁴ The UU would ensure maintenance of a surface water drainage system.

Main issues

38. I consider that the main issues in this appeal are:

- (1) The effects of the proposed development on the openness of the Green Belt and upon the purposes of including land within it, and whether the development conflicts with policy to protect the Green Belt.
- (2) The effects of the proposed development on the character and appearance of the area.
- (3) The effects of the proposed development on the local amenity of the area and the living conditions of nearby residents, with particular reference to noise, dust, air quality, outlook, health and well-being.
- (4) The effects of the proposed development on PRow and access.
- (5) The effects of the proposed development on heritage assets.
- (6) The effects of the proposed development on highway safety, particularly for vulnerable road users.
- (7) The effects of the proposed development on biodiversity.
- (8) The effects of the proposed development on employment and the economy.
- (9) The need for sand and gravel, having regard to likely future demand for, and supply of, these minerals, along with the availability of inert material for restoration and capacity for inert waste.
- (10) The planning balance and planning policy.

³² CD15.23 and rID2 SoCG paragraph 4.8. rPOE1.02 paragraph 4.29 and rID240 paragraph 20 refer to a new public right of way approximately 2.3 km around the perimeter of the site.

³³ rID227.03.

³⁴ rID228.01, rID233 and rID234. *DB Symmetry Ltd* at paragraphs 62-63 provides that a planning obligation to dedicate access roads as public highways would be a valid obligation if it met the criteria set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Reasons

Green Belt

39. The appeal site lies within the Green Belt as defined in the development plan for the area. The NPPF states that the Government attaches great importance to Green Belts. It adds that the essential characteristics of Green Belts are their openness and their permanence. When located in the Green Belt inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSC). The NPPF provides that substantial weight should be given to any harm to the Green Belt, and that VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. MLP Policy MLP27, WCS Policy WCS13 and WFLP Policy DM.22 are consistent with the NPPF with respect to inappropriate development and VSC.
40. Green Belt serves five purposes: (a) to check the unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns merging into one another; (c) to assist in safeguarding the countryside from encroachment; (d) to preserve the setting and special character of historic towns; and (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
41. The revised NPPF introduced the 'grey belt', which is land in the Green Belt that does not strongly contribute to any of Green Belt purposes (a), (b) or (d). If the appeal site is grey belt land, then the proposal would not be inappropriate development if it met the requirements set out in NPPF paragraph 155. If the appeal site is not grey belt land, then NPPF paragraph 154 (h) provides that the appeal scheme would be inappropriate unless it preserved the openness of the Green Belt and would not conflict with the purposes of including land within it. It is therefore necessary in applying Green Belt policy to first determine whether the land is grey belt. In doing so I have had regard to the written submissions by the parties about the circumstances that apply in this case.³⁵
42. The appellant considers that the site falls within the definition of grey belt because it is not adjacent to any large built-up areas and so does not strongly contribute to Green Belt purpose (a). However, if 'sprawl' is to be given its usual meaning, it seems to me that purpose (a) is to restrain the unrestricted straggling expansion of large built-up areas. To fulfil that function the land need not necessarily adjoin such areas. Purpose (a) is referring to curbing unrestricted sprawl. Unrestricted straggling expansion of a large built-up area would not be confined to just the land that was contiguous with the built-up area. Unrestricted sprawl could, given that it would not be restricted, extend beyond land that was adjacent to a large built-up area.
43. In any event, in this case the appeal site is adjacent, albeit separated by the A449, to land that has been allocated in the development plan for 1,400 dwellings, along with provision of around 7 ha of employment development, provision for a primary school and a village centre. I consider development on that scale would comprise a large built-up area for the purposes of applying NPPF paragraph 143. It was evident at my site visits that the appeal site forms a key component of the open land that has an important role in checking

³⁵ rID241, rID242 and rID243.

unrestricted sprawl from Kidderminster and Lea Castle Village. I consider that the appeal site is land that strongly contributes to Green Belt purpose (a), and so does not constitute grey belt land.

44. The proposals for the appeal site; including the facilities, plant, access and bunds, are part and parcel of the proposed mineral extraction here for the purposes of applying Green Belt policy. If there is any doubt about the bunds, their construction and removal would be engineering operations. Minerals can only be extracted where they are found. NPPF paragraph 154 (h) provides that mineral extraction and engineering operations are not inappropriate development in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it.
45. NPPF paragraph 154 (h) must mean that some level of development for mineral extraction in the Green Belt would preserve its openness and would not conflict with its purposes, and that beyond that level the development would become inappropriate in the Green Belt, and so the exception would no longer apply. Determining the 'tipping point' would depend upon the particular circumstances, as a matter of fact and degree. In assessing the likely effects upon the openness and purposes of the Green Belt, relevant considerations could include: spatial aspects, such as the siting, nature and scale of the proposed development; visual aspects of the proposal in its local context; the degree of activity likely to be generated; and its duration and remediability. This approach would accord with the PPG and the judgments in *Europa Oil* and *Samuel Smith*.³⁶ The appeal scheme would not benefit from the NPPF exception for mineral extraction if either it did not preserve the openness of the Green Belt or was in conflict with the purposes of including land within it.
46. I deal first with whether the proposal would preserve the openness of the Green Belt. In doing so it is relevant to have in mind the judgment in *Turner*.³⁷ This noted that the concept of openness of the Green Belt is not narrowly limited to a volumetric approach but is open-textured with a number of factors capable of being relevant. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be with the proposed development, along with factors relevant to the visual impact on the aspect of openness which the Green Belt presents.
47. In terms of a spatial impact on the openness of the Green Belt, the proposed bunds and stockpiles, processing plant and hoppers, site office/welfare facilities and staff car parking, would to some extent impair the openness of the area. However, in my view, the spatial impact of the appeal scheme on openness would not, by itself, be sufficient to exceed the tipping point for determining whether the proposal is inappropriate development in the Green Belt. It is the overall combined spatial and visual effects, along with the activity generated and the duration/remediability of the development that determines where the tipping point lies in the particular circumstances that apply in this case.
48. I turn next to consider the assessment of visual aspects of openness in the Green Belt. Many submissions raised concern about a cumulative effect of the appeal scheme when taken together with the development of Lea Castle Village on the opposite side of the A449. In the absence of any more specific guidance

³⁶ What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt. PPG Green Belt Paragraph: 001 Reference ID: 64-001-20190722.

³⁷ CD12.05 paragraph 14.

about undertaking an assessment of the visual aspects of openness, I consider that the Landscape Institute's Guidelines for Landscape and Visual Impact Assessment (GLVIA3) provides some helpful insights into assessing cumulative effects that might usefully be applied to the consideration of openness in the Green Belt.³⁸

49. GLVIA3 refers to cumulative assessments focussing primarily on either the additional effects of the main project under consideration, or on the combined effects of all the past, present and future proposals together with the new project.³⁹ I consider that the additional approach should apply here because that would accord with the judgment in *Turner* to assess likely differences between the Green Belt now and what it would be like with the proposed development. Such an incremental approach would include Lea Castle Village in the assessment baseline.⁴⁰ As an existing feature Lea Castle Village would not, in an additional cumulative assessment, make any difference in a 'before and after' comparison because it would be common to both. However, that does not mean that Lea Castle Village is irrelevant to consideration of the visual impact of the appeal scheme on the aspect of openness which the Green Belt presents.
50. The judgment in *Samuel Smith* records that openness is the counterpart of urban sprawl. That is apparent for this locality in that the appeal site forms part of an open area between built development in Kidderminster, Fairfield, Cookley and Lea Castle Village. The contrast between the openness of this part of the Green Belt and urban development on surrounding land is apparent from the submitted photographs and was evident at my site visit. The appeal site is seen to the north of Broadwaters⁴¹, to the east of Fairfield⁴², to the south of Cookley⁴³ and to the west of Lea Castle Village⁴⁴. The openness of the appeal site is perceived in the context of this urban development in the wider area. Within the appeal site this sense of openness is enhanced by middle-distance views across open fields. For the western part of the appeal site these views from the PRoW are towards the wooded edges of the site. Views from public vantage points of the eastern part of the appeal site take in the openness of the fields, which is emphasised by the rolling landform. The proposed bunds would foreshorten many of these middle-distance views. This is evident from the appellant's photomontages for View Points VP15a, VP15b, VPCa, VPCb, VPDa and VPDb.⁴⁵ The bunds would have a significant adverse effect on visual aspects of openness for this part of the Green Belt.
51. Harm to the openness of the Green Belt would occur for a limited duration and, with implementation of the proposed restoration scheme, would be entirely remediable. However, the operation of the proposed quarry for 11 years would be seen, in landscape terms, as long term.⁴⁶ It seems to me that this would also be a relevant time scale to apply in assessing visual aspects of openness in the Green Belt.

³⁸ I raised this at the Inquiry with the appellant's landscape expert as GLVIA3 is referred to in rPOE2.07.

³⁹ GLVIA3 paragraph 7.18.

⁴⁰ Including that part of Lea Castle village consented and under construction, along with the area that is subject to as yet undetermined planning application. GLVIA3 paragraph 7.13 includes in cumulative assessments potential schemes that are the subject of valid planning applications.

⁴¹ rPOE1.03 Key View E and rPOE2.08 VP5.

⁴² rPOE2.08 View E Figure 71.

⁴³ rPOE1.03 Key View B and rPOE2.08 VP8 Figure 11.

⁴⁴ rPOE1.03 Key View D and rPOE2.08 VP4 Figure 6.

⁴⁵ rPOE2.08.

⁴⁶ GLVIA3 paragraph 5.51 considers 10-25 years long term.

52. The PPG refers specifically to the degree of activity likely to be generated, such as traffic generation.⁴⁷ Some activity on the appeal site would be attributable to HGV and other vehicular movements in and out of the access to the appeal site from Wolverley Road and along the haul road to the Plant Area. For the western part of the appeal site, during Phases 1-3, considerable activity would be generated by the construction and later removal of Bunds 7, 8, 9, 10, 12, 13, 14, 15 and 16, all undertaken during a 4 year period.⁴⁸ Dump trucks travelling between extraction/infill areas and the conveyor in Phases 1-3 would be evident when not operating below ground level or sufficiently screened by bunds or hay bales.⁴⁹ Activity would also be associated with the loading of hoppers serving the conveyor.
53. Vehicle movements on site would regularly occur from the refuelling of the excavator and dump trucks, which the Inquiry was informed would take place outside the Plant Area by mobile tankers. There would be considerable activity within the Plant Area maintaining stockpiles and loading/unloading HGVs. Vehicular movements associated with the progressive restoration of each phase would add to activity associated with the on-going extraction operations. Much of this activity would be apparent from the PRoW through the appeal site.
54. Similar levels of activity would be apparent in the eastern part of the appeal site during Phases 4 and 5. However, Bunds 1, 2 and 3 would remain in place for the duration of the development and the conveyor would be removed on completion of the restoration for Phase 3. Nevertheless, taken overall, the movement of HGVs and large vehicles required for quarrying and restoration within the appeal site would result in considerable intensity of activity that would have a significant adverse effect on the openness of the area.
55. The assessment of effects on the openness of the Green Belt in other cases is not very helpful in assessing the likely impact of the appeal scheme. Such assessments are very site-specific and largely dependent upon the details of any particular scheme. This is reflected in the PPG, which requires a judgment based on the circumstances of the case.⁵⁰ Notwithstanding this guidance, the appellant cites decisions at Ware Park and Pinches Quarry in support of its submissions about the effect of the appeal scheme on the openness of the Green Belt.
56. In the decision at Ware Park, the Secretary of State found that the plant, equipment, access and activity associated with mineral extraction, along with bunds and tree planting, would not be inappropriate development.⁵¹ There are some similarities between the appeal scheme and the proposed development at Ware Park, particularly regarding phased extraction, with bunding, and restoration over a 10/11-year period. However, there are important differences concerning the degree of activity likely to be generated.
57. The extraction of 3.0 million tonnes of sand and gravel in the Lea Castle scheme would be likely to generate a significantly greater intensity of activity than would the extraction of 1.75 million tonnes of sand and gravel at Ware Park. In addition, HGV movements at Ware Park would have been restricted to

⁴⁷ Paragraph: 001 Reference ID:64-001-20190722.

⁴⁸ rID74 Year 2 to Year 5.

⁴⁹ rID235.02 suggested Condition 46 would require hay bales to assist with visually screening the development from bridleway WC-626.

⁵⁰ Paragraph: 001 Reference ID: 64-001-20190722.

⁵¹ CD12.39 and rID45.

50 in and 50 out per day, whereas suggested Condition 21 for the appeal scheme would limit HGVs to 77 in and 77 out per day. The import of inert waste for the appeal scheme would add to activity associated with restoration that would not have occurred at Ware Park, where imported waste was prohibited. Furthermore, the installation, operation and removal of the conveyor required for the appeal scheme would introduce activity that would not have occurred at Ware Park, which did not require a conveyor. For these reasons, the decision at Ware Park is not comparable to the circumstances that apply in the Lea Castle scheme.

58. The development at Pinches Quarry is of a smaller scale compared to the Lea Castle scheme.⁵² The site area is 5.7 ha. The scheme would extract approximately 850,000 tonnes of sand and gravel and import a comparable quantity of inert waste for restoration. HGV trips per weekday would be 38 in and 38 out. In that case WCC did not consider the duration of 14 years to be very long-term in the context of mineral extraction and restoration. Even allowing for the different durations, the difference in scale of Pinches Quarry would mean that it would be likely to have a significantly different effect on the openness of the Green Belt by comparison with that likely to result from the Lea Castle scheme.
59. The 2016 Green Belt Review is not of much assistance in assessing the likely effects of the appeal scheme on the openness of the Green Belt because the overall objective of the Review was to test the Green Belt against the five purposes set for it in the NPPF and to determine the extent to which it was contributing to those purposes. Furthermore, the appeal site forms only a part of parcel N7 on which the assessment was based.⁵³
60. Notwithstanding the limited duration of the proposed development and its remediability, in my judgement, the combination of adverse impacts on openness arising from spatial and visual aspects of the appeal scheme, along with the degree of activity generated, mean that the proposal would not preserve the openness of the Green Belt.
61. Conflict with the five purposes of the Green Belt would result in inappropriate development. In applying NPPF paragraph 154 (h) different considerations apply in assessing whether the proposed development conflicts with the Green Belt purposes, compared to those that are relevant in assessing whether the land itself strongly contributes to any of purposes (a), (b) or (d) in determining grey belt status.
62. However, if 'sprawl' has its ordinary meaning of a straggling expansion of an urban area, then I find no conflict with purpose (a) because use of the land for a quarry would itself serve to check the unrestricted sprawl of Kidderminster and Lea Castle Village.⁵⁴ The nature and scale of the proposed quarry would result in a land use that was readily distinguishable from the built form apparent in Kidderminster and Lea Castle Village. STQC acknowledges that there would be no breach of the strict wording of purpose (b) because neither Cookley nor Wolverley are towns. The proposal would not undermine purpose (b), which is to prevent neighbouring towns merging into one another.

⁵² CD12.40.

⁵³ CD12.02.

⁵⁴ CD12.06. In paragraph 22 of *Samuel Smith* the Supreme Court stated that as a barrier to urban sprawl a quarry may be regarded in Green Belt policy terms as no less effective than a stretch of agricultural land.

63. Green Belt purpose (c) is to assist in safeguarding the countryside from encroachment. The proposed quarrying operation would encroach into the countryside, insofar as it would introduce a form of development into a part of the open countryside. However, it seems to me that the nature and scale of mineral extraction with progressive restoration in this case would not be so intrusive that it would bring the proposal into significant conflict with purpose (c). STQC highlights the importance of the former parkland to the historic setting and character of Cookley and Wolverley. Even if Cookley, Wolverley and Kidderminster were considered to be historic towns, I am satisfied that with appropriate landscaping the separation distance of the proposed quarry from these settlements would be sufficient to preserve their setting and special character so far as purpose (d) is concerned. The proposal would not conflict with purpose (e), which is to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
64. The appeal scheme would not conflict with the purposes of including land within the Green Belt. Subject to the imposition of appropriate planning conditions, mineral extraction and inert waste infilling could be undertaken to high environmental standards, as required by the NPPW, and the site could be restored to a high calibre landscape. However, I have found that the appeal scheme would not preserve the openness of the Green Belt. That is sufficient by itself to debar the proposed development benefitting from the NPPF exception for mineral extraction in the Green Belt.
65. The proposal would be inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. The following sections of this decision consider whether the appeal scheme would result in any other harm, and then has regard to other considerations, so that a balancing exercise can be undertaken to determine whether VSC exist.

Character and appearance of the area

66. The character and appearance of the area, except as it relates to Green Belt openness, is not a matter of concern for WCC.⁵⁵ But it is an issue for STQC. There is considerable local concern about the operational impacts of the proposal on the historic landscape and harm to the visual amenity of the area.⁵⁶ STQC also raises concerns about the suitability of the proposed concept restoration scheme.
67. The site lies within National Character Area 66 Mid Severn Sandstone Plateau. Within the regional landscape character assessment, it is part of the Kinver Sandlands LCA. At a more local level the site lies within the Sandstone Estatelands, which is characterised as an open rolling landscape with an ordered pattern of large fields, typically defined by straight thorn hedges. The guidelines for this area seek to restore the distinctive hedgerow pattern and woodland planting. The more detailed landscape description unit for the site, the Churchill Sandstone Estatelands, refers to the undulating topography with impoverished soils and tree cover in ordered patterns with parkland and belts of trees.⁵⁷ STQC's evidence states that the appeal site is part of an important, attractive, and valued landscape.⁵⁸ There is no specific evidence to indicate

⁵⁵ rID2 SoCG paragraph 8.11 refers to the submitted Landscape and Visual Impact Assessment (CD1.04), which states that there were no objections from the County Landscape Officer or Hereford and Worcester Gardens Trust.

⁵⁶ rID26.

⁵⁷ CD1.04.

⁵⁸ rPOE3.02 paragraph 4.18.

- that the site is a valued landscape for the purposes of applying NPPF paragraph 187.
68. The parkland trees that remain on the appeal site, including the Wellingtonia, give an appreciation of this as former parkland, associated with entrance gatehouses and containment within estate walls. An operational quarry would have an adverse impact on this distinctive landscape. However, I accept that important trees could be protected by the imposition of appropriate planning conditions.⁵⁹ Furthermore, the concept restoration scheme would add features that would enhance the landscape character of the area.
69. The appellant's assessment finds that the overall slight/moderate adverse effect on the character of the area would be offset by the slight/moderate beneficial effect that would result from the site restoration. Harm during the operation would be balanced, to some extent, by the landscape benefits of the restoration planting. But I consider that the appellant's assessment understates the likely impact of the proposal on the character of the area, particularly with respect to the local soundscape during the quarrying operation.
70. For the reasons given later in this decision, the scheme could be operated within the limits for noise sensitive properties set out in the Minerals PPG. But no noise limits are set for receptors outside these properties, such as those using the PRoW.⁶⁰ However, NPPF paragraph 198 provides that decisions should ensure that new development is appropriate for its location taking into account the likely effects on, amongst other things, the potential sensitivity of the site to impacts that could arise from the development. In doing so, the NPPF requires the identification and protection of tranquil areas that have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason. Without any minerals guidance on acceptable limits outside noise sensitive properties, it seems to me that this is a matter of judgement. There is evidence of how much the local ambience is cherished in the 2,030 letters of representation submitted about the application, along with the many submissions to the Inquiry.⁶¹
71. The submitted noise survey results indicate some relatively low daytime background levels.⁶² It seems likely that L_{A90} background levels for the western and central parts of the appeal site, including in the vicinity of the proposed conveyor, would be similar to those at The Bungalow. No noise predictions were originally submitted for the PRoWs crossing through the appeal site. But in most cases, it would be reasonable to presume that noise levels from the quarrying operation along parts of these routes would be higher than those predicted at the noise survey locations, which are located towards the outer boundaries of the appeal site.⁶³

⁵⁹ rID2 paragraph 2.17, CD10.1 paragraphs 737-738, rID7, rID157/rID230, rID235.02 suggested Conditions 4, 43 and 47.

⁶⁰ rID240 paragraph 100.

⁶¹ rID19 paragraph 3 and rID24.

⁶² rPOE2.10 Table 4 records levels as low as 31 dB L_{A90} at The Bungalow and Castle Barns.

⁶³ rPOE2.10 Appendix B.

72. I asked for noise predictions on bridleway WC-626 near to the proposed conveyor. This predicts that levels would be between 63-51 dB $L_{Aeq,T}$ within 1-10 m of the conveyor.⁶⁴ These levels of plant noise would be considerably higher than current background levels, as indicated by the recorded levels at The Bungalow, which range from 31-44 dB L_{A90} across the 2018, 2023 and 2024 surveys. I accept that plant noise levels would decrease with distance from the point where bridleway WC-626 would pass over the conveyor, but they are indicative of some of the likely changes to the soundscape in an area acknowledged to have some tranquillity.⁶⁵ I consider that the proposed development would result in harm to the character of the area by the introduction of intrusive noise, particularly during Phases 1-3, in a tranquil area, relatively undisturbed by noise, that is prized for its recreational and amenity value.
73. Turning to visual effects, the harm I have identified to visual aspects of the openness of the Green Belt would also have an adverse effect on the appearance of the area. However, the proposed hedgerow, tree and woodland planting would have a beneficial visual effect in the long-term.
74. STQC is critical of the concept restoration and refers to the submitted cross sections as showing a substantially different landform that would replace the existing "rolling countryside with a desolate flat crater".⁶⁶ In particular, concern was expressed about the view of the restored landform from VP8.⁶⁷ It was apparent from the submitted material and my site visit that the restoration, albeit at a lower level, would not be flat and featureless. Gradients would not be so dissimilar to the existing rolling landform to appear out of place in the wider landscape.⁶⁸ Concern was expressed that the impoverished soil might hinder establishment of hedgerows and trees.⁶⁹ This is a consideration that could be taken into account in devising appropriate landscaping for this site. I consider that the proposed restored landform would be appropriate for the local context and that a suitable landscaping scheme could be designed and implemented in accordance with planning conditions.
75. The slight to moderate harm to sensitive visual receptors during the operational phases of the quarry would be balanced by the slight to moderate beneficial visual effects that would result from the proposed restoration. However, during the operation the quarry would have an adverse effect on the landscape resource of slight/moderate significance that would not be entirely outweighed by the landscape benefits on restoration. The proposal would be at odds with the aims of MLP Policy MLP33, which states that planning permission will be granted where it is demonstrated that the development will conserve and enhance the character and distinctiveness of the landscape. There would also be some conflict with the underlying objectives of WCS Policy WCS12 regarding waste management facilities protecting local characteristics. Overall,

⁶⁴ rID37 Table 3a 63-55 dB $L_{Aeq,T}$ for rider on horseback; 62-52 dB $L_{Aeq,T}$ for horse; 62-51 dB $L_{Aeq,T}$ for pedestrian. This evidence was not before the previous Inspector, who concluded that the quarry would not likely result in any significant adverse noise impacts for those visiting the site area and concluded that the landscape benefits of the scheme should be afforded moderate weight in the planning balance.

⁶⁵ In cross-examination regarding application of the then NPPF paragraph 191 and reducing noise to a minimum, not only for residential quality of life, Ms Canham for the appellant was asked whether the appeal site could be fairly described as a tranquil area, and replied "possibly yes".

⁶⁶ rPOE3.02 paragraph 4.20.

⁶⁷ rID76 and rID223.

⁶⁸ rID2 paragraph 8.11 and rID226.

⁶⁹ rID22.

I find that the harm to the landscape character of the area weighs against the proposal in the planning balance.

Local amenity and living conditions

76. Many interested persons raised concerns about noise, dust, air quality, outlook and the effects on the health and well-being of those living in the locality, attending education facilities or visiting the area for recreation or other purposes. These were not issues for WCC, and STQC advanced no further specialist evidence on these matters. However, STQC referred to the evidence of other submissions to the Inquiry, including from the residents of The Bungalow, the equestrian business, PRow users and Heathfield Knoll School, particularly in the light of Defra's updated interim guidance on PM_{2.5}.⁷⁰
77. The technical evidence submitted by the appellant about noise, which is based on reasonable worst-case conditions, demonstrates that the appeal scheme could be operated in accordance with the limits set out in the Minerals PPG.⁷¹ Specific noise limits could be imposed by condition for nearby dwellings.⁷² During the removal of soils and the creation of screen bunds or restoration works, the noise limit at these receptor locations could be limited to 70 dB L_{Aeq 1-hour} (free field) for a period of up to 8 weeks in any calendar year.⁷³ Subject to these conditions the proposed development would accord with the policy aims of the NPSE to avoid significant adverse impacts on health and quality of life.
78. The evidence submitted by the appellant reasonably complies with Defra's Interim Planning Guidance for PM_{2.5} Targets, which advises that evidence should be provided to identify key sources of air pollution within the scheme and appropriate action taken to minimise emissions of particulate matter (PM) as far as is reasonably possible.⁷⁴ The action here includes the submission of detailed dust monitoring proposals that could be the subject of a planning condition.⁷⁵
79. The potential for the appeal scheme to cause silicosis was a serious and emotive concern in many submissions and representations to the Inquiry.⁷⁶ Silicosis results from the inhalation of respirable crystalline silica (RCS). It is acknowledged that some of the PM arising from quarrying operations can comprise RCS, which is a recognised hazard for personnel working at quarries. This risk is increased where minerals are crushed. Processing within the Plant Area would involve crushing, screening and sorting. However, investigations have determined that there is only a small proportion of oversized gravel within the deposit and therefore a large crusher section would not be required within the plant.⁷⁷ Details about a crusher, including the use of water to control dust emissions during crushing, could be a matter for approval.⁷⁸ Blasting and crushing imported material could be prohibited by condition.⁷⁹

⁷⁰ rID27, rID67, rID68 and rID225.

⁷¹ CD1.07, rID37, rID215 and rID222.

⁷² CD235.02 Suggested Condition 31.

⁷³ CD235.02 Suggested Condition 32.

⁷⁴ ES and ES Addendum, rPOE2.02 and rID38.

⁷⁵ rID75.

⁷⁶ rID55.

⁷⁷ rPOE2.02 paragraph 4.5.3.

⁷⁸ rID235.02 Suggested Condition 10 and rID230.

⁷⁹ rID235.02 Suggested Conditions 58 and 55.

80. Reference was made at the Inquiry to a documented case of silicosis apparently in Australia. There is insufficient information about the specific circumstances that applied in that case, particularly regarding the local environment and air quality controls, to draw any meaningful conclusions about the likely effects of RCS for the appeal scheme.⁸⁰
81. Health and Safety Executive advice is that no cases of silicosis have been documented among members of the general public in Great Britain, indicating that environmental exposure to silica dust is not sufficiently high to cause this occupational disease. Local concern about silicosis is understandable, but in the absence of evidence to indicate that the appeal scheme would pose a significant risk to the local population due to RCS, it is not a consideration that can be given much weight in determining this appeal.
82. Heathfield Knoll School and First Steps Nursery would be separated from mineral extraction in Phase 3 by the B4189, intervening woodland within the appeal site and 3 m high Bund 15. Noise from operations in Phase 3, particularly during bund construction and removal, might be audible within the school/nursery grounds, but this would be for a limited duration. Subject to the imposition of appropriate planning conditions the quarrying operation would be unlikely to have an unacceptable adverse impact on the school and nursery by reason of dust or noise. The school has recently acquired an adjacent meadow that would be used for outdoor educational activities.⁸¹ Part of the meadow lies close to the B4189, but the majority of the area is set well back from the road and unlikely to be significantly affected by noise from Phase 3.
83. Given the separation distance between Bund 7 and The Bungalow, along with the temporary duration of the bund, the appeal scheme would not have an unacceptable overbearing or dominating impact on the outlook from this property. Other dwellings are located further from the proposed bunds, or there is intervening vegetation, and so the proposed development would not adversely affect the living conditions of occupiers by reason of harm to their outlook.⁸²
84. I consider that dust could be controlled by condition, and that noise for nearby properties could be contained within the limits set out in the Minerals PPG. There is considerable local fear and anxiety about air pollution and health risks from PM and RCS, which is sufficient here to be a material planning consideration in its own right. However, this is not a matter that attracts significant weight.
85. Taking into account the cumulative effects of multiple impacts, I find that the proposal would not give rise to unacceptable effects on amenity or health and well-being, and so would not conflict with MLP Policy MLP28 or be at odds with the requirements of WCS Policy WCS14. Subject to the imposition of appropriate planning conditions, the appeal scheme would comply with MLP Policy MLP29 concerning air quality, and would reasonably accord with WFLP Policy SP.16 concerning health and well-being.

⁸⁰ rID72, rID184 and rID230.

⁸¹ rID70.

⁸² rID2 paragraph 9.2.

Public Rights of Way and access

86. There is evidence that footpaths and bridleways within the appeal site are well used and provide an important local recreational resource.⁸³ Appropriate arrangements could be made throughout the operation to ensure that PRoW within the appeal site remained available for use. This would involve some temporary diversions that would need to comply with relevant statutory requirements.
87. Construction of the conveyor tunnel would require a temporary diversion of 30 m of bridleway to the adjacent field for two weeks, with alternative arrangements for vehicle access to The Bungalow and Lea Castle Equestrian Centre either from Castle Road/North Lodge access or running parallel with the existing track accessed from South Lodges.⁸⁴ The same procedure would apply for one week when the tunnel was removed at the end of Phase 3.
88. These diversions and changes would be disruptive at times.⁸⁵ In addition, activity associated with the quarry, including refuelling vehicles regularly crossing bridleway WC-626 during Phases 1-3, would detract from the experience for those using this route.
89. Local equestrians consider that noise from the quarry operation, particularly from the proposed conveyor, would deter riders from using bridleways within the appeal site.⁸⁶ They are also critical of the usefulness of some of the proposed additional bridleways because of noise and the proximity to traffic. However, the effects of noise on horses depends on many variables. Some quarrying activities might startle some horses. But possible effects on horses and equestrians are not considerations that would justify dismissing the appeal. Any such harm must be weighed against the long-term benefits of the appeal scheme, which would provide new bridleways. STQC argues that permissive paths provide no benefit because they could be withdrawn at any time.⁸⁷ Any permissive paths created would not provide the same rights for users as PRoW, but would be a useful addition to routes available to equestrians and walkers in the locality. In any event, the UU here makes specific provision for additions to the network, whether by public access routes made available in perpetuity under the planning system or by formal dedication as PRoW.⁸⁸
90. Overall, I consider that any harm to users of the local PRoW network during the operational phases of the quarry would be outweighed by the benefits of the proposed additional routes and recreational opportunities post restoration. I find no conflict with MLP Policy MLP30 concerning access and recreation. This is a consideration that attracts some positive weight in favour of the proposed development.

Heritage assets

91. The North Lodges and Gateway to Lea Castle grade II listed building is an impressive entrance to the former castle parkland. The listed building has associations and shares group value with the estate buildings that are non-designated assets. Bridleway WC-625B passes through the gateway and leads

⁸³ rPoE3.06.

⁸⁴ rID78 and rID110.

⁸⁵ rID228 and rID234.

⁸⁶ rPOE3.06, rID31, rID32, rID36 and rID147.

⁸⁷ rID233.

⁸⁸ rID240 paragraph 109.

to the northern part of the appeal site. The former castle parkland forms part of the setting of the gateway and contributes to its significance.

92. Bund 17 in Phases 4 and 5, along with quarrying activity during Phase 5, in the northern part of the appeal site would, to some extent, detract from the function of the gateway as an approach to the former parkland. However, any resultant harm to the setting of the listed building would be for a limited duration. Furthermore, reinstatement of the avenue of trees along bridleway WC-625B with site restoration would enhance the historic significance of the setting of North Lodges and Gateway to Lea Castle. I have had regard to the group value of the heritage assets in the locality of the listed building. Overall, I consider that the proposal would result in less than substantial harm, towards the lower end of the scale, to the significance of North Lodges and Gateway to Lea Castle grade II listed building.
93. STQC argues that the boundary wall of the former parkland is curtilage of North Lodges and Gateway to Lea Castle. The Official List Entry does not mention the wall. The Local List reference to 1 South Lodge refers to the "wall for Lea Castle estate springs from western elevation of building".⁸⁹ This reference does not support STQC's view that the wall along the B4189 falls within the curtilage of North Lodges and Gateway. I am not satisfied that the evidence adduced establishes that the wall is part of the curtilage of the listed building. Reinstatement of the boundary wall along the B4189 when the access was no longer required would restore its heritage significance.
94. The settings of Sion Hill House and Wolverley Court would not be adversely affected by the appeal scheme because of the intervening vegetation and topography, which would significantly restrict intervisibility between these listed buildings and quarrying activity. Similar considerations apply to the relationship between the appeal site and the Staffordshire and Worcestershire Canal Conservation Area. The proposed development would not harm the setting of the conservation area because the canal is largely confined within woodland set down at a lower level than the land at Phase 1 that would be the nearest part of the quarrying operation to the canal.
95. The former parkland has insufficient surviving elements to warrant identification as a non-designated heritage asset. Any harm to the setting of the non-designated heritage assets in the locality during the operation of the quarry would be offset by the benefits to the heritage landscape by the proposed restoration that would include replanting of parkland avenues and Broom Covert. Archaeological interest in the appeal site could be safeguarded by the imposition of planning conditions.
96. The less than substantial harm I have identified to the significance of North Lodges and Gateway should be weighed against the public benefits of the proposal in accordance with NPPF paragraph 215 and MLP Policy MLP32(c).

Highway safety

97. A suggested planning condition would limit HGV movements associated with the quarry to 77 movements in, and 77 movements out, of the appeal site per day on Monday to Friday, and other controls would be imposed on vehicle

⁸⁹ rID46.

movements.⁹⁰ Notwithstanding these restrictions, there is local concern about the effects of traffic associated with the quarry jeopardising the safety of vulnerable road users, including motor cyclists and pedestrians.⁹¹ In particular, many expressed concern about large vehicles from the quarry travelling through Wolverley, where there is restricted road width and narrow pavements in places, particularly near to the lock bridge.

98. I am satisfied that the design of the proposed new access onto the B4189 could prevent vehicles turning right out of, and left into, the appeal site. However, STQC considers that some HGVs might still travel via Wolverley to access the quarry. Effective controls could be imposed on the movements of the quarry operator's own vehicles. The possibility of other vehicles not subject to these controls passing through Wolverley cannot be ruled out, but such trips would be likely to be few and largely absorbed within the daily variations in the traffic flow through Wolverley. HGV traffic associated with the appeal scheme would not significantly add to the risk of accessing Heathfield Knoll School and First Steps Nursery either by vehicle or on foot.
99. A safe and suitable access could be provided to the site for all users. Wheel cleaning could be the subject of a planning condition and any mud tracked out onto the highway could be the subject of enforcement proceedings.⁹² The highway authority has considered a Stage 1 Road Safety Audit, and the detailed design could be the subject of a planning condition.⁹³ I consider that the likely residual cumulative impacts on the local road network would not be severe.⁹⁴ Any potential conflict between those using PRow within the appeal site and quarry vehicles could be managed by the imposition of appropriate planning conditions. I find no conflict with MLP Policy MLP39 concerning transport. There are no grounds to prevent the proposed development for highway safety reasons having regard to paragraph 116 of the NPPF.

Biodiversity

100. The proposed quarrying operation would disrupt the local ecosystem for some 11 years. However, the restoration scheme would provide significant biodiversity benefits. An updated ecological assessment was submitted dated October 2024.⁹⁵ The statutory 10% biodiversity net gain now required for planning applications does not apply to the appeal scheme, but MLP Policy MLP31 provides that planning permission will be granted where it is demonstrated that the development will conserve, enhance and deliver net gains for biodiversity.
101. The Biodiversity SoCG states that the proposed development would result in a 74.16% biodiversity net gain and a 300.93% net gain in hedgerow units.⁹⁶ This would accord with MLP Policy MLP11 concerning the conservation, delivery and enhancement of green infrastructure networks within the North West Worcestershire Strategic Corridor. The technical assessment submitted reasonably demonstrates how, throughout its lifetime, the appeal scheme would optimise its contribution to green infrastructure priorities. These

⁹⁰ On Saturdays 39 in and 39 out. RID235.02 Suggested Condition 21. The traffic movements in the Transport Statement do not assume any back-hauling between exports and imports (CD1.09 paragraph 9.8).

⁹¹ rID58.

⁹² rID59.

⁹³ CD4.34 and rID235.02 Suggested Condition 13.

⁹⁴ rPOE2.05, rID134 and rID204.

⁹⁵ rID7.

⁹⁶ rID5.

priorities include: restoring characteristic hedgerow patterns and tree cover along watercourses; creating accessible semi-natural green space; and in the Sandstone Estatelands creating acid grassland.

102. The SoCG, dated 13 September 2024, records the weight to be given to biodiversity net gain benefit as a matter on which the parties are disagreed.⁹⁷ However, WCC subsequently agreed in the Biodiversity SoCG, dated 4 October 2024, that these net gains should attract significant positive weight in the planning balance.⁹⁸ Mr Whitehouse for WCC considers that the extent of the biodiversity net gain proposed should be given moderate weight in the planning balance.⁹⁹
103. In the long-term the appeal scheme would benefit wildlife through delivery of hedgerows, woodland, tree planting, acid grassland and waterbodies. The proposal accords with MLP Policy MLP31. I consider that the net gains for biodiversity warrant significant positive weight for the proposal in the planning balance.¹⁰⁰

Other environmental effects

104. There is local concern about the effects of the proposal on hydrogeology.¹⁰¹ Hurcott Residents' Committee raises the potential for degradation of groundwater quality to affect nearby SSSIs.¹⁰² The submitted Hydrological and Hydrogeological Impact Assessment states that groundwater generally flows towards the River Stour, but also took into account data from the EA's Hurcott, Podmore, Bisslewood and Puxton observation boreholes that indicate potential for groundwater discharge as a baseflow to Wannerton Brook to the south of the appeal site. However, the technical evidence indicates that the proposed mineral extraction would not significantly alter current groundwater recharge.¹⁰³
105. Contamination of the underlying aquifer could result from accidental discharge of fuels or other pollutants, especially as the Inquiry was informed that mobile refuelling tankers would operate outside the Plant Area.¹⁰⁴ Measures to safeguard against accidents and leakage could be the subject of stringent controls enforceable by the imposition of appropriate conditions. Any hydrogeological risk from infilling would be a matter for consideration by the EA in determining an application for an Environmental Permit, and in imposing any conditions for the lining of quarried voids and monitoring. Drainage and flood risk are matters that could be addressed by planning conditions and the UU. On this basis, I find no conflict with MLP Policy MLP37 concerning groundwater.

⁹⁷ rID2 paragraph 9.1.

⁹⁸ rID5 paragraph 6.1.5.

⁹⁹ rPOE1.02 paragraph 5.9.

¹⁰⁰ The scheme that was considered by the previous Inspector would have delivered a biodiversity net gain of +39.31% units for habitat and +107.51% for hedgerow units, enhancements which the previous Inspector considered should be afforded only moderate weight.

¹⁰¹ rID178/rID230.

¹⁰² rID199.

¹⁰³ CD1.13.

¹⁰⁴ CD1.13 paragraph 5.6.5.3 sets out measures to minimise the risk of groundwater quality degradation, including that no refuelling or maintenance should be carried out in areas of mineral working.

106. The effects of any lighting of the quarrying operation could be limited by the implementation of an approved lighting scheme. Subject to such a condition, the proposed development would reasonably safeguard wildlife and would not have an unacceptable adverse effect on the amenity of the area.¹⁰⁵
107. The appeal scheme would result in the temporary loss of BMV agricultural land. This would be justified by the need for minerals, which can only be worked where they are found. With appropriate planning conditions for soil management and restoration, agricultural land could be safeguarded for future use.¹⁰⁶ The effects on BMV agricultural land do not weigh against the proposal. There is no conflict with MLP Policy MLP35.

Employment and the economy

108. The appeal scheme would provide 11 full-time equivalent jobs. The direct and indirect benefits of the proposal would make a modest contribution to the local economy. Some additional economic benefits would arise from business rates and the aggregate levy.
109. The Inquiry received many submissions from local residents and commercial interests who considered that these economic benefits of the appeal scheme would be outweighed by an adverse impact on existing businesses, reduced demand for housing, and fewer enrolments at Heathfield Knoll School and First Steps Nursery. Local apprehension about a quarry is understandable, but I am not convinced that there is substantive evidence to indicate that these concerns about the local economy would be realised if planning permission was granted. Any permission for a phased quarrying and restoration scheme would be subject to enforceable planning conditions. Infilling would be controlled by an Environmental Permit and planning decisions should assume that the pollution control regime will operate effectively.¹⁰⁷ Subject to appropriate restrictions, the proposed development would not be likely to result in land use conflicts that would significantly impair local economic interests.
110. Perception of harm to the local economy is a material consideration, but it is not a matter that can be given much weight in determining this appeal. I consider that any local adverse economic impacts from the appeal scheme would be outweighed by the additional jobs during the operation of the quarry, along with the long-term benefits for recreation from the proposed restoration. Overall, I find that the appeal scheme would benefit the local economy.

Need for sand/gravel, capacity for inert fill and availability of inert material

111. MLP Policy MLP1 seeks to direct mineral extraction within Strategic Corridors. The appeal site is located within the North West Worcestershire Strategic Corridor and within an Area of Search for sand and gravel, where MLP Policy MLP3 provides that planning permission will be granted for new mineral development within allocated areas of search where there is a demonstrated shortfall in supply.

¹⁰⁵ rID109/rID230.

¹⁰⁶ rID235.02 suggested Conditions 38-42 and 48.

¹⁰⁷ NPPF paragraph 201.

112. There is an agreed landbank of 6.59 years for sand and gravel at the relevant assessment date of 31 December 2023.¹⁰⁸ The Worcestershire Local Aggregate Assessment (LAA) identifies an annual production guideline for sand and gravel of 0.667 million tonnes per annum, derived from the 10-year sales average + 20%. The appellant considers that the LAA apportionment figure is too low and likely to need raising to allow for sufficient flexibility in demand for sand and gravel, including for increased housing construction.¹⁰⁹ However, no convincing evidence was adduced to justify applying a higher apportionment figure.¹¹⁰
113. Paragraph 226 of the NPPF provides that mineral planning authorities should plan for a steady and adequate supply of aggregates by, amongst other things, maintaining landbanks of at least 7 years for sand and gravel, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised. MLP Policy MLP14 has similar provisions. The PPG states that the aggregate landbank is principally a monitoring tool and the main basis for mineral planning authorities to consider whether to review the local plan, but it also adds that low landbanks may be an indicator that suitable applications should be permitted as a matter of importance to ensure the steady and adequate supply of aggregates.¹¹¹
114. The appeal scheme would add 4.5 years to the landbank, which in the circumstances that apply in this case, would be a significant benefit. In addition, it would make a positive contribution to the geographical spread of the sources of supply for sand and gravel. Proximity to markets in Worcestershire and Birmingham might mean reduced transport emissions over possible alternative sources.¹¹² However, there are many uncertainties and assumptions about this assessment that limit any weight that can be given to climate change benefits of the appeal scheme due to the location of markets. There is no convincing evidence of a significant need to spread supply across different marketplaces and so this is a consideration that attracts only moderate weight in the planning balance.
115. WCC takes no issue about sufficient supply of inert waste over the development period for site restoration.¹¹³ Evidence about decreasing void capacity for inert fill was not challenged. Nevertheless, there is insufficient detail to engage WCS Policy WCS5(a)ii about addressing a capacity shortfall necessary to achieve the aims and purposes of the WCS. The Inquiry also heard evidence about a likelihood of an increase in construction generating inert waste. The appellant refers to permitted major construction projects across the West Midlands, along with increased house building, that would be potential sources of inert waste.¹¹⁴ However, I share WCC's reservations about the likelihood of large quantities of inert waste arising from large-scale development schemes in close proximity to the appeal site. The possibility of diverting infill material from NRS's Meriden Quarry was raised by the appellant. Not much weight can be given to this because any planning permission for the appeal scheme would not be personal to NRS but would run with the land. Notwithstanding that the operator would benefit financially from accepting inert

¹⁰⁸ rID8.

¹⁰⁹ rID243.01.

¹¹⁰ rID69.

¹¹¹ Minerals PPG Paragraph:082 Reference ID:27-082-20140306.

¹¹² CD15.01 Section 8.

¹¹³ rPOE1.02 paragraph 4.130.

¹¹⁴ rID243.01.

fill, there is no certainty about its supply, and much would depend upon local commercial considerations.

116. The ES Addendum states that inert fill material for restoration would, where possible, be brought to the appeal site on NRS HGVs arriving to carry away sand and gravel.¹¹⁵ However, there is no guarantee that this would occur to a sufficient degree to amount to a sustainability benefit that should weigh in the planning balance in this case. WCC accepts that a new site at Lea Castle would be an environmentally better solution for managing inert waste from the south and west of Birmingham than hauling it further afield, but again commercial interests would be likely to determine the destination for inert waste.¹¹⁶
117. Additional capacity for inert waste would be of some benefit, but on the evidence adduced negligible weight can be given to any benefits arising from the sustainable movement of inert waste. There is a level of uncertainty about the availability of inert infill to meet the requirements for the proposed phased restoration. If restoration was delayed because of insufficient availability of inert infill material, the harm I have identified to the openness of the Green Belt would persist for longer, which would add to the harm I have identified.
118. The proposed development accords with MLP Policies MLP3 and MLP15 concerning the contribution towards the landbank and productive capacity in Worcestershire for a wide range of sand and gravel materials. In accordance with NPPF paragraph 224, great weight should be given to the benefits of mineral extraction, including to the economy.

Planning balance

119. In applying the planning balance in this case, I have taken into account the suggested planning conditions that it would be necessary and reasonable to impose were planning permission to be granted. The suggested planning conditions concerning new bridleways would secure public access routes unless and until they were adopted as PRow, and do not themselves seek to require dedication.
120. I have also had regard to the UU. These obligations would be consistent with paragraph 151 of the NPPF, which provides that in planning positively to enhance the beneficial use of the Green Belt, authorities should look for opportunities to provide access and outdoor sport/recreation, and to retain and enhance landscapes, visual amenity and biodiversity. I am satisfied that the UU would be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development, and so complies with Regulation 122 of the Community Infrastructure Levy Regulations 2010. The UU accords with MLP Policy MLP40.
121. The proposed development is inappropriate in the Green Belt, which is by definition harmful to the Green Belt. The planning balance is whether the potential harm by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations, so as to amount to the VSC necessary to justify the development.

¹¹⁵ CD15.01 paragraph 8.3.7.

¹¹⁶ rID8 paragraphs 162-178.

122. The harm I have identified to the Green Belt, including harm to its openness, should be given substantial weight in accordance with NPPF paragraph 153. In addition, I have found that the proposal would have an adverse effect on the landscape character of the area, which should be given slight weight. I have given considerable importance and weight to the less than substantial harm to the significance of the designated North Lodges and Gateway to Lea Castle that I consider would result from the appeal scheme. However, the public benefits of mineral extraction and to the economy would outweigh this harm. In the absence of convincing evidence that the perception of harm to public health would be likely to have material land use consequences, I consider that little or no weight can be given to local health fears.
123. The appellant considers that the following benefits are capable of amounting to VSC: need for the proposed development with particular regard to the landbank position for sand and gravel; environmental, sustainability and climate change benefits; development, growth and economic considerations; and restoration and biodiversity benefits.¹¹⁷
124. The proposal would make an important contribution to the landbank, which would help in achieving development and growth. I consider that the benefits of the proposed sand and gravel extraction and the contribution the appeal scheme would make to the economy attract great weight. Employment provision and the supply of goods and services for the operation would provide direct and indirect benefits to the local economy that should be given moderate weight. The contribution of the proposal to the geographical spread of mineral resources, along with additional capacity for inert waste, also warrant moderate weight. But for the reasons set out above, no weight should be given to the likely contribution that the proposal would make to the sustainable movement of inert waste. The biodiversity benefits of the proposal should be given significant weight. Harm to users of the local PRoW network during the operational phases of the quarry would be outweighed by the benefits of the proposed additional routes and recreational opportunities post restoration, which is a consideration that should be given slight weight in favour of the proposal.
125. In my judgement, the substantial weight that should be given to the harm to the Green Belt and its openness, along with slight weight given to the harm to the landscape character of the area, outweighs the combined weight of the benefits of the appeal scheme as set out above. I find that the other considerations in this case do not clearly outweigh the harm by reason of inappropriateness, and any other harm, that I have identified. Consequently, the VSC necessary to justify the development do not exist. The appeal scheme conflicts with local Green Belt policies in the development plan and is contrary to national policy in the NPPF.

Planning policy

126. The appeal scheme would accord with some development plan policies, including heritage policies; MLP Policy MLP32, WCS Policy WCS9 and WFLP Policies SP.21 and DM.23. But the conflict with local Green Belt policies; MLP Policy MLP27, WCS Policy WCS13 and Policy DM.22 of the WFLP, brings the proposal into conflict with the development plan when taken as a whole.

¹¹⁷ rPOE2.12 paragraph 10.1.5.

127. The low landbank here is not an indicator that the proposal should be permitted as a matter of importance to ensure the steady and adequate supply of aggregates because I have found that the appeal scheme is not a suitable application for the purposes of applying the Minerals PPG. There are no other material considerations that indicate that the appeal should be determined other than in accordance with the development plan.

Other matters

128. I have taken into account all the other matters raised in the evidence, but none are sufficient to outweigh my conclusions on the main issues, which have led to my decision on this appeal.

Conditions

129. There is no evidence before me to indicate that the imposition of any other necessary and reasonable planning conditions would enable a different planning balance to be struck and for planning permission to be granted for the appeal scheme.

Conclusion

130. The planning balance for the appeal scheme falls against the proposal. The proposed development would conflict with the development plan, when taken as a whole. For the reasons given above the appeal should be dismissed.

J Woolcock

INSPECTOR

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Jemma Powell-Tibbetts

Local resident

Elizabeth Rushton

Local resident

Bill Southam

Local resident

Mark Garnier MP

Member of Parliament for Wyre Forest

Rebecca Vale

Local resident

Heather Cox	Local resident
Joanna Phillips	Local resident
Geoff Cox	Local resident
Cllr Marcus Hart	Wolverley and Cookley Parish Council, Wyre Forest District Council, Worcestershire County Council
Cllr Ben Brookes	Wolverley and Cookley Parish Council
Maxine Huslebee	Local resident
Dr Peter King	Chairman Campaign to Protect Rural England Worcestershire
Sheila Nock	Local resident
Andrew McDonald	Local resident
Victoria Crisp	Local resident
Charlotte Bennett	Local resident
Dean Talbot	Local resident
Alex Badger	Local resident
Cllr David Jones	Wolverley and Cookley Parish Council
Andrew Webber	Local resident
Karen Anderson	Local resident
Judy Hinksman	Read out statement by Mel Anderson
Robin Buchanan-Morgan	Local resident
Giovanna and Theodore	Local resident
	Pupils at Heathfield Knoll School

DOCUMENTS SUBMITTED FOR THE RE-DETERMINATION INQUIRY (rID)

Documents submitted before the opening of the Inquiry

rID	1	Summary Note Case Management Conference 7 August 2024
rID	2	Revised Statement of Common Ground General - Signed 13 September 2024
rID	3	Minerals and Waste Statement of Common Ground - Signed 13 September 2024 (Superseded by Revised Minerals and Waste Statement of Common Ground - Signed 7 October 2024 see rID8)
rID	4	Pre-Inquiry Note 1 dated 26 September 2024
rID	5	Biodiversity Statement of Common Ground - Signed 4 October 2024
rID	6	The Statutory Biodiversity Metric dated 3 September 2024
rID	7	Updated Ecological Assessment dated October 2024
rID	8	Revised Minerals and Waste Statement of Common Ground - Signed 7 October 2024
rID	9	Revised Schedule of Conditions - Original Appeal Scheme dated October 2024
rID	10	Revised Schedule of Conditions - Amended Appeal Scheme dated October 2024
rID	11	Revised Schedule of Plans - Amended Appeal Scheme dated October 2024
rID	12	Appellant's Submissions on Amendments
rID	13	Submissions on Amended Application on behalf of Worcestershire County Council
rID	14	Rule 6 Party (STQC) Submissions on the 2024 Scheme Amendments

- rID 15 Agenda for Round Table Discussion about dealing with the appeal scheme on the basis of an amended scheme
- rID 16 Comparison table regarding bunds within the Original Appeal Scheme and the proposed Revised Appeal Scheme

Documents submitted during the Inquiry

- rID 17 Appellant's Opening Submissions
- rID 18 Opening Submissions on behalf of WCC
- rID 19 Opening Statement on behalf of STQC
- rID 20 Statement by Elizabeth Hope Rushton
- rID 21 Statement by Mark Garnier MP
- rID 22.01 Statement by Bill Southam
- 22.02 Written Submission by Bill Southam
- rID 23 Statement by Heather Cox
- rID 24 Statement by Geoff Cox
- rID 25 Statement by Dr Peter King CPRE
- rID 26.01 Statement by Sheila Nock
- 26.02 Statement by Sheila Nock
- 26.03 Landscape questions by Sheila Nock
- 26.04 Noise questions by Sheila Nock
- rID 27.01 Statement by Mr and Mrs McDonald
- 27.02 Written Submission by Mrs McDonald
- 27.03 Questions by Mr McDonald
- rID 28 Statement by Dean Talbot
- rID 29 Written Submission by Sara Lloyd
- rID 30 Written Submission by Dominic Carty
- rID 31 Written Submission by Georgina Poolton Field Equine Vets
- rID 32 Written Submission by Wendy Bannerman British Horse Society
- rID 33 Written Submission by Linda Blakemore and Stephen Blick
- rID 34.01 Written Submission by Gill Hill
- 34.02 Written Submission by Gill Hill
- rID 35 Written Submission by Claire and Jonathan Bowen
- rID 36 Advice on Diverting a public bridleway or byway The British Horse Society
- rID 37 Response to Inspector's request for further details about noise predictions WBM Acoustic Consultants dated 6 November 2024
- rID 38 Note regarding changes in heights of bunds Smith Grant LLP dated 5 November 2024
- rID 39 Written Submission by Councillor Mary McDonnell
- rID 40 Written Submission by Lisa Jones
- rID 41 Written Submission by Ian Hinksman
- rID 42 [Not used]
- rID 43 Written Submission by Amy Bailey
- rID 44 Written Submission by Rachel Guest
- rID 45 Email from Worcestershire County Council about Ware Park appeal decision
- rID 46 Wolverley and Cookley Local Heritage List
- rID 47 Staffordshire and Worcestershire Canal Conservation Area Maps
- rID 48 Written Submission by Mrs Marcie Smith
- rID 49 Written Submission by Emily Smith
- rID 50 Written Submission by Adam Seagrave
- rID 51 Written Submission by Corinna Smith

rID	52	Written Submission by Lisa Wheeler
rID	53	Written Submission by Gemma Butcher
rID	54	Written Submission by Victoria Grainger
rID	55	Written Submission by Andrew Richards
rID	56	NRS SAREDON AGGREGATES LIMITED Company number
rID	57	NRS Saredon Aggregates name change document Certificate and Resolution
rID	58	Statement by Andrew Webber
rID	59.01	Statement by Maxine Huselbee
	59.02	Written Submission by Maxine Huselbee
rID	60	Statement by Alex Badger
rID	61	Statement by Judy Hinksman
rID	62	Written Submission by Pat Seagrave
rID	63	Written Submission by Kara Mikolajczyk
rID	64	Written Submission by Amie Bash
rID	65	Written Submission by Jim Wells
rID	66	Written Submission by Kay Nicholls
rID	67	Statement by Representative of Heathfield Knoll School - Giovanna
rID	68	Statement by Representative of Heathfield Knoll School - Theodore
rID	69	WCC's commentary regarding the annual production guidelines of other authorities
rID	70	Land Registry Title Plan for the Meadow
rID	71	Agreed Note on EIA Consultation Requirements and Newspaper Public Notice 1-31 August 2024
rID	72	Statement by Karen Anderson
rID	73	WCC Response to Inspectors Queries re Conditions 11 November 2024
rID	74	Imported Inert Restoration Materials Summary
rID	75	Lea Castle Farm - Dust Monitoring Proposals-v1
rID	76	Lea Castle Photomontage Viewpoint 8 Figures 11 and 11a
rID	77	ESP comments re gas and electricity apparatus dated 11 November 2024
rID	78	Appellant's Response to the Inspector's Site Visit Questions 13 November 2024 re boundary wall opposite Heathfield Knoll School and construction of the conveyor
rID	79	Mineral Products Association Restoration Guarantee Fund NRS Acceptance 17 November 2023 and MPA Membership Certificate
rID	80	Revised Figures 65a and 65b rPoE2.08
rID	81	Written Submission by Carol Fearn
rID	82	Written Submission by Georgina Braley
rID	83	Written Submission by Kerise Parker, John Reece, Lola, Rory, Amelia
rID	84.01	Written Submission by Mrs Marcie Smith
	84.02	Written Submission by Marcie Smith
rID	85	Written Submission by Mr and Mrs Smith
rID	86	Written Submission by Simon Betts
rID	87	Written Submission by Mr Amer Deen, Mrs Sunita Kaur
rID	88	Written Submission by Sarah Betts
rID	89	Written Submission by David and Jane Jones
rID	90	Written Submission by R J Jinks
rID	91	Written Submission by Andrew Jones
rID	92	Written Submission by Camilla Lloyd
rID	93	Written Submission by Helen Leedham

rID	94	Written Submission by Sue Knowles
rID	95	Written Submission by Harry Edwards
rID	96	Written Submission by Jason Tait
rID	97	Written Submission by James Walker
rID	98	Written Submission by Claire Yarnold
rID	99	Written Submission by Ashley Yarnold
rID	100	Written Submission by Jackie Yarnold
rID	101	Written Submission by Elizabeth Hope Rushton
rID	102	Written Submission by Chris Harper-Dukes
rID	103	Written Submission by Angela and Neville Stephens
rID	104	Written Submission by Pamela Edwards
rID	105	Written Submission by Barry Lewis
rID	106	Written Submission by Sallyanne Skidmore
rID	107	Written Submission by Emma Stirling
rID	108	Written Submission by Natalie Harrison
rID	109	Written Submission by Jan Porter
rID	110	Note on Conveyor Construction and Removal
rID	111	WCCs Response to Inspector's without-prejudice observations on WCC's response to Inspector's previous queries about suggested planning conditions 13 November 2024
rID	112	Statement by Mel Anderson
rID	113	Written Submission by Joanne Powell
rID	114	Written Submission by Taryn Hill
rID	115	Written Submission by Alison Cooke
rID	116	Written Submission by Emily Smith
rID	117	Written Submission by Emma Dungey
rID	118.01	Written Submission by Katie Powell
	118.02	Written Submission by Katie Powell
rID	119	Written Submission by Victoria Grainger
rID	120	Written Submission by Peter Cook
rID	121	Written Submission by Neil Colclough
rID	122	Written Submission by Rosie Peerman
rID	123	Written Submission by Mrs Morgan and Family
rID	124	Written Submission by Leah Clark
rID	125	Written Submission by Helen Reeves
rID	126	Written Submission by Bridget Homer
rID	127.01	Written Submission by Kevin Tebbett
	127.02	Written Submission by Kevin Tebbett
rID	128	Written Submission by Abigail Povey
rID	129	Written Submission by Maddie Ridley
rID	130	Written Submission by Lorna Richards
rID	131	Written Submission by Mrs Samantha Mucklow
rID	132	Written Submission by Gillian Kane
rID	133	Written Submission by Megan Gear
rID	134	Written Submission by Catherine Cape
rID	135	Written Submission by Abi Ceney
rID	136	Written Submission by Alison Murphy
rID	137	Written Submission by Amy Palmer
rID	138	Written Submission by Andy Rudall
rID	139	Written Submission by Anthony Murphy
rID	140	Written Submission by Becky Lynch
rID	141	Written Submission by Bill Hope
rID	142	Written Submission by Cookley Cricket Club

rID	143	Written Submission by Hannah, Sam, Connie and Edgar Stockley
rID	144	Written Submission by Helen Spiers
rID	145	Written Submission by Jazz Watkins
rID	146	Written Submission by Jennifer Owen
rID	147	Written Submission by Jill Aston
rID	148	Written Submission by Joanne Jones
rID	149	Written Submission by Joe Harvey
rID	150	Written Submission by John and Julieanne Priest
rID	151	Written Submission by John Hobbs
rID	152	Written Submission by Julieanne Priest
rID	153	Written Submission by Karen Baldwin
rID	154	Written Submission by Ken Powell
rID	155	Written Submission by Lauren Hancock
rID	156	Written Submission by Lynda Woodhouse
rID	157	Written Submission by Mark Jones
rID	158	Written Submission by Mark Watkins
rID	159	Written Submission by Mike Watkins
rID	160	Written Submission by Mrs Caroline Cook
rID	161	Written Submission by Mrs Jo Metcalf
rID	162	Written Submission by Mrs K Chestney
rID	163	Written Submission by Mrs Pauline Jones
rID	164	Written Submission by Nick Turner
rID	165	Written Submission by Paul Watts
rID	166	Written Submission by Pete Thompson
rID	167	Written Submission by Rachael and Robert Cunningham
rID	168	Written Submission by Rebecca Bostock
rID	169	Written Submission by Rebekah Lewis
rID	170	Written Submission by Robin Thomas
rID	171	Written Submission by Sally Fallon
rID	172	Written Submission by Sarah Louise Turner
rID	173	Written Submission by Victoria Newton
rID	174	Written Submission by Vince Newman
rID	175	Written Submission by Yolande Biggs
rID	176	Written Submission by Amie Jones
rID	177	Written Submission by Amy Bennet
rID	178	Written Submission by Carole Pannell
rID	179	Written Submission by Chris Hathaway
rID	180	Written Submission by Fern Osazuwa-Bagley
rID	181	Written Submission by Gavin Bromley
rID	182	Written Submission by James Hinton
rID	183	Written Submission by James Powell
rID	184	Written Submission by Joanna McNeill
rID	185	Written Submission by Jodie Dipaola-Smith
rID	186	Written Submission by Jodie Yardley
rID	187	Written Submission by Mildred Mukwende
rID	188	Written Submission by Roderick Shaw
rID	189	Written Submission by Sanjit Kandola
rID	190	Written Submission by Sanjit Johal
rID	191	Written Submission by John Knowles
rID	192	Written Submission by Lauren Oakes
rID	193	Written Submission by Jeffrey Whalley
rID	194	Written Submission by Alison Billingsley
rID	195	Written Submission by Alex Webster and Mollie Tromans

rID	196	Written Submission by Martine Hirrell
rID	197	Written Submission by Mrs Diane Hamilton
rID	198	Written Submission by Emma Hamilton and Philip Pountney
rID	199	Statement by Katherine Evans for the Hurcott Residents' Committee
rID	200	Written Submission by Michelle Humphries
rID	201	Written Submission by Kellie Jones
rID	202	Written Submission by Amanda Brighton
rID	203	Written Submission by Mr Richard Cook
rID	204	Appellant's highway response dated 12 November 2024 to rID58 by The Hurlstone Partnership
rID	205	Written Submission by David Langford
rID	206	Written Submission by Laura O'Neill
rID	207	Written Submission by Haley and Russell Hadley
rID	208	Written Submission by Jackie Bell
rID	209	Written Submission by Rebecca Rogers
rID	210	Written Submission by Ellie Richards
rID	211	Written Submission by Kerry Archer
rID	212.01	Statement by Jemma Powell-Tibbetts
	212.02	Written Submission by Jemma Powell-Tibbetts for Evie and Ellie
rID	213	Written Submission by Chris Tibbetts
rID	214	Written Submission by Joanna Phillips
rID	215	Appellant's Sound Power Levels for Site Noise Calculations by WBM dated 13 November 2024
rID	216	Written Submission by Sallyann Mills
rID	217	Written Submission by Mrs Jacqui Rudall
rID	218	Written Submission by Mr Edwin Billingsley
rID	219	Written Submission by Gary Green
rID	220	Written Submission by Claire Farmer
rID	221	Written Submission by Christopher Mucklow
rID	222	Appellant's Note on Planning Conditions and Noise Limits WBM dated 12 November 2024
rID	223	STQC comments on Viewpoint 8 Photomontage Year 25
rID	224	STQC Comments on suggested planning conditions dated 15 November 2024
rID	225	PM _{2.5} Targets: Interim Planning Guidance Defra November 2024
rID	226	Appellant's response to STQC comments on VP8 at rID223
rID	227.01	Draft Deed of Unilateral Undertaking
	227.02	Revised Draft Deed of Unilateral Undertaking
	227.03	Deed of Unilateral Undertaking dated 1 December 2024
rID	228.01	Appellant's note on securing the duration of public access routes
	228.02	<i>Avon Estates Ltd and Welsh Ministers</i> [2011] EWCA Civ 553
rID	229	WCC's and the appellant's response to STQC's comments on suggested conditions at rID224
rID	230	Appellant's response to relevant additional Interested Party responses
rID	231	Agenda for Round Table Discussion Monday 25 November 2024
rID	232	STQC note concerning rID71 on EIA agreed between WCC and the appellant
rID	233	STQC response to appellant's note rID228 on securing the duration of public access routes
rID	234	<i>DB Symmetry Ltd v Swindon BC</i> (SC (E)) [2023] 1 WLR

- rID 235.01 Revised Schedule of Conditions – Original Appeal Scheme dated 27 November 2024
- 235.02 Revised Schedule of Conditions – Amended Appeal Scheme dated 27 November 2024
- rID 236 Appellant’s note on inert material classification and topsoil
- rID 237 Appellant’s note on landfill tax associated with quarry restoration
- rID 238 Closing Submissions on behalf of STQC
- rID 239 Closing Submissions on behalf of WCC
- rID 240.01 Appellant’s Closing Submissions
- 240.02 *The Queen on the application of Cherkley Campaign Limited and Mole Valley DC and Longshot Cherkley Court Limited [2014] EWCA Civ 567.*
- rID 241.01 STQC R6 party written response re revised NPPF
- 241.02 Response received 13 January 2025 by R6 to appellant’s comments
- rID 242 NPPF written submission on behalf of WCC
- rID 243.01 Appellant’s note received 20 December 2024 on the implications of the NPPF December 2024
- 243.02 Appellant’s written response to other party comments on NPPF 2024
- 243.03 Appellant’s response to rID241.02 received 15 January 2025

CORE DOCUMENTS (CD)

CD1 Original Submission	
CD1.01	Planning Application Form
CD1.02	Planning Statement
CD1.03	Environmental Statement
CD1.04	Technical Appendix A - Landscape and Visual Impact Assessment
CD1.05	Technical Appendix B - Ecological Impact Assessment
CD1.06	Technical Appendix C - Pre Development Tree Condition Survey
CD1.07	Technical Appendix D - Noise Assessment
CD1.08	Technical Appendix E - Air Quality and Dust Assessment
CD1.09	Technical Appendix F - Transport
CD1.10	Technical Appendix G - Agricultural Land Classification and Soils Resource Report
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CD11.02	National Planning Policy For Waste (NPPW)
CD11.03	Worcestershire Minerals Local Plan 2018-2036
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CD11.05	Wyre Forest District Local Plan
CD11.06	Worcestershire Local Aggregate Assessment: Data covering the period up to 31/12/2021 (January 2023) (NB Superseded by Worcestershire Local Aggregate Assessment: Data covering the period up to 31/12/2022, see Core Document CD11.08)
CD11.07	National Planning Policy Framework (NPPF) Updated December 2023
CD11.08	Worcestershire Local Aggregate Assessment: Data covering the period up to 31/12/2022
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CD12.02	Wyre Forest District Council Green Belt Review Analysis September 2016
CD12.03	Wyre Forest District Council Green Belt Part II May 2018
CD12.04	Worcestershire Landscape Character Assessment

CD12.05	<i>Turner v Secretary of State for Communities and Local Government</i> [2016] EWCA Civ 466
CD12.06	<i>R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council</i> [2020]
CD12.07	<i>Europa Oil and Gas Ltd v Secretary of State for Communities and Local Government</i> [2013] EWHC 2643 (Admin)
CD12.08	Decision Notice for 17/0205/OUTL
CD12.09	Construction Management Plan for 17/0205/OUTL (Ref: Drawing No. PL1000_A)
CD12.10	Decision Notice for 18/0163/FULL
CD12.11	Noise report for 18/0163/FULL (Ref: Wardell Armstrong "Miller Homes, Land off Stourbridge Road, Kidderminster, Noise Assessment Report")
CD12.12	Submitted Masterplan for 22/0404/OUT (Ref: Illustrative Masterplan: Drawing No. 204116-AFL-Z1-ZZ-DR-A-20104 P3 (NB Superseded by Illustrative Masterplan for 22/0404/OUT, Drawing No. 20104, Rev P7, see Core Document CD12.45)
CD12.13	Noise report for 22/0404/OUT (Ref: Wood Group "Lea Castle Village, Kidderminster, Outline Planning Application, Site Suitability assessment – Noise" dated April 2022)
CD12.14	Health Impact Assessment Checklist Matrix for 22/0404/OUT (Ref: "HIA Matrix for Planning" dated May 2022)
CD12.15	BS 5228-1:2009+A1:2014 "Code of practice for noise and vibration control on construction and open sites – Part 1: Noise" Annex E
CD12.16	Worcestershire Regulatory Services (WRS) "Code of Best Practice for Demolition and Construction Sites" September 2020
CD12.17	Noise Policy Statement for England
CD12.18	Planning Practice Guidance Noise
CD12.19	Planning Practice Guidance Minerals
CD12.20	WRS "Noise Control Technical Guidance" 2013 (NB Superseded by WRS "Technical Guidance Note for Planning" (March 2024) V5.7, see Core Document CD12.36)
CD12.21	WRS "Technical Guidance Note for Planning" (November 2022) (NB Superseded by WRS "Technical Guidance Note for Planning" (March 2024) V5.7, see Core Document CD12.36)
CD12.22	Decision Notice for 20/0217/FUL
CD12.23	Decision Notice for 18/0748/PIP
CD12.24	Institute of Air Quality Management (IAQM), IAQM Guidance on the Assessment of Mineral Dust Impacts for Planning, May 2016 (v1.1)
CD12.25	IAQM Guidance on the Assessment of Dust from Demolition and Construction, version 1.1, 2016 (NB Superseded by IAQM Guidance on the Assessment of Dust from Demolition and Construction, version 2.2, January 2024, see Core Document CD12.37)
CD12.26	IAQM Land-Use Planning and Development Control: Planning for Air Quality, January 2017
CD12.27	Planning Practice Guidance Air Quality

CD12.28	Air Quality Assessment report for 22/0404/OUT (Ref: Wood "Lea Castle Village, Kidderminster, Outline Planning Application, Air Quality Assessment" dated April 2022
CD12.29	<i>Wychavon DC v Secretary of State for Communities and Local Government & Butler</i> [2008] EWCA Civ 692
CD12.30	<i>Leicestershire County Council v Secretary of State for Communities and Local Government and UK Coal Mining Limited</i> [2007] EWHC 1427 (Admin)
CD12.31	Air Quality Review: Lea Castle Farm, dated 2 March 2020
CD12.32	Planning Statement and Location Plan 19/000056/CM, Pinches Quarry
CD12.33	Planning Statement and Location Plan 22/000015/CM, Ripple East
CD12.34	Planning Appeal Decision 3300222, dated 06.02.23
CD12.35	Ministerial Statement - Building the homes we need, dated 30.07.24
CD12.36	WRS "Technical Guidance Note for Planning" (March 2024) V5.7
CD12.37	IAQM Guidance on the Assessment of Dust from Demolition and Construction, version 2.2, January 2024
CD12.38	Wyre Forest District Council 2024 Air Quality Annual Status Report, dated June 2024
CD12.39	Secretary of State's (SoS) decision letter dated 4 April 2019 in relation to an appeal by RJD Ltd and Gowling WLG Trust Corporation Limited for land at Ware Park, Wadesmill Road, Hertford (APP/M1900/W/17/3178839)
CD12.40	Committee Report for Pinches (4) Quarry (Application Ref: 19/000056/CM)
CD12.41	Decision Notice for 19/000056/CM
CD12.42	National and regional guidelines for aggregate provision in England 2005 to 2020
CD12.43	Government's proposed new Standard Method approach to calculating Local Housing Need
CD12.44	Planning Practice Guidance Green Belt
CD12.45	Illustrative Masterplan for 22/0404/OUT, Drawing No. 20104, Rev P7
CD12.46	MHCLG Pocket Parks Frequently Asked Questions
CD12.47	Sustainability Appraisal of the Worcestershire Minerals Local Plan – Publication Version May 2019
CD12.48	Interactive Minerals Mapping Tool - Solid Sand and Gravel Area of Search Extracts
CD13 Appeal Documents	
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CD13.02	See CD12.02 (Appendix WCC1 - Wyre Forest District Council Green Belt Review Analysis September 2016)
CD13.03	See CD12.03 (Appendix WCC2 - Wyre Forest District Council Green Belt Part II May 2018)
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	(Appendix WCC3 - Wyre Forest District Local Plan 2022)
CD13.05	Appendix WCC4 - Lea Castle Village Draft Framework Masterplan
CD13.06	See CD12.08 (Appendix WCC5 - Planning Decision Notice 17/0205/OUTL, Former Lea Castle Hospital)
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CD13.18	See CD12.06 (Appendix WCC17 - <i>Judgment, R (on the application of Samuel Smith Old Brewery (Tadcaster) v North Yorkshire County Council</i> [2020] UKSC 3)
CD13.19	See CD12.05 (Appendix WCC18 - Judgment, <i>Turner v SoSCLG and East Dorset Council</i> [2016] EWCA Civ 466)
CD13.20	Appendix WCC19 - Judgment, <i>Timmins and A W Lymm Limited v Gedling BC</i> [2014] EWHC 654 (Admin)
CD13.21	Appendix WCC20 - Planning Appeal Decision 3298447, Brown Westhead Park, dated 25/11/22
CD13.22	NRS Ltd (Appellant) Statement of Case (NB Superseded by NRS Ltd (Appellant) Revised Statement of Case, April 2024, see Core Document CD13.29)
CD13.23	Statement of Case for Stop The Quarry Campaign - Rule 6 Party (NB Superseded by Statement of Case for Stop The Quarry Campaign - Rule 6 Party, April 2024, see Core Document CD13.30)
CD13.24	Statement of Case for Stop The Quarry Campaign - Rule 6 Party - Planning Timeline
CD13.25	Statement of Common Ground - Signed 24.01.23 (NB Superseded by Revised Statement of Common Ground - Signed 15.02.23, see Core Document CD13.27)

CD13.26	Agreed Schedule of Conditions 30.01.2023 (NB Superseded by Revised Schedule of Conditions, March 2023, see Inquiry Document ID.51)
CD13.27	Revised Statement of Common Ground - Signed 15.02.23 (NB Superseded by Revised Statement of Common Ground General – Signed 13.09.24, see Re-determination Inquiry Document rID2)
CD13.28	Statement of Case of Worcestershire County Council, April 2024
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CD14 4 th Regulation 25 Submission	
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CD15.16	Drawing No. 01-LEACF-INQ_004 - Initial Works
CD15.17	Drawing No. 01-LEACF-INQ_005 - Phase 1 - Working & Restoration
CD15.18	Drawing No. 01-LEACF-INQ_006 - Phase 2 - Working & Restoration
CD15.19	Drawing No. 01-LEACF-INQ_007 - Phase 3 - Working & Restoration

CD15.20	Drawing No. 01-LEACF-INQ_008 - Phase 4 - Working & Restoration
CD15.21	Drawing No. 01-LEACF-INQ_009 - Phase 5 - Working & Restoration
CD15.22	Drawing No. 01-LEACF-INQ_010 - Final Works
CD15.23	Drawing No. 01-LEACF-INQ_011 Concept Restoration - July 2024
CD15.24	Drawing No. 01-LEACF-INQ_012 - Plant Site