

**Town and Country Planning Act 1990 – Section 78 Town and County
Planning (Development Management Procedure) (England) Order
2015 Town and Country Planning (Inquiries Procedure) (England) Rules 2002**

**Summary Proof of Evidence of Rebecca Hatch
for Stop The Quarry Campaign – Rule 6 Party
Impact on Local Amenities**

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

**Proposed sand and gravel quarry with progressive restoration using site derived and imported
inert material to agricultural parkland, public access and nature enhancement**

Application reference: 19/000053/CM

Appellant's name: NRS Aggregates Ltd

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

31 January 2023

Bridleway and Footpath Issues

Proof of Evidence of Effects on Bridleway and Public Footpaths

For Stop the Quarry Campaign

1.0 Qualification

- 1.1 My name is Rebecca Hatch
- 1.2 I am a horse owner I have ridden horses for over twenty years and have kept my horse at Lea Castle Equestrian Centre for the last seven years.
- 1.3 I visit the appeal site twice a day, 365 days a year. The livery yard I keep my horse at, the field she spends her days in, and the woodland and bridleway/public footpath network crossing the site we ride multiple times per week and utilise to access riding from the site in Wolverley and Kinver are all within mere feet of this proposed sand and gravel quarry.
- 1.4 I have lived in the local area most of life.
- 2.0 Introduction
- 2.1 My evidence at this time is concerned with harm to bridleways and public footpaths.
- 2.2 Lea Castle Equestrian Centre offers livery and indoor school hire within easy reach of woodland and bridle areas across the Wyre Forest. There are a mixture at livery there, from children's ponies, horses for leisure riders, and competition horses competing in dressage, show jumping and eventing. They have fantastic hacking adjacent to their own private woodland so you don't even have to leave the yard! Horses are treated as individuals and are turned out every day in well maintained fields. Currently there are ten horses who live full time at the equestrian centre, before the planning application became public the yard was full with sixteen horses, but as people do not want to keep horses next to a quarry numbers have decreased. Lea Castle Equestrian Centre is owned and run by Andrew and Marilyn MacDonald. Prior to the livery yard they ran a successful riding school for over forty years.
- 2.3 During the first public inquiry in February 2023, I was told that the BHS had no objections to the quarry proposal by NRS Aggregates submitted documentation, during the enquiry we got in touch and they responded that they'd submitted an objection. Following the High Court appeal, I decided to invite Wendy Bannerman BHS Access Field Officer West and East Midlands to a site visit April 4th 2024 at Lea Castle Farm and she submitted her findings to PINS mid-May. I contacted Helen Skinner W/C 30TH September 2024 to ensure that objection had been received; to be told they had not received it. So, I have submitted that objection as part of my evidence.
- 2.4 The bridleway and public footpath are shown on the map at the end of this document.
- 2.5 The current bridle path runs from the North Lodges positioned at the top of Cookley Village and winds down the centre of farmland and fields utilised for grazing horses on each side, following onto a tree lined drive to the South Lodges sat between farmland. It is very peaceful and quiet, wide enough to be safely used by horse riders, cyclists, walkers and the disabled at the same time and in any type of weather. (Please refer to Image Ref BP1, BP2, BP3, BP4, BP5). It is straight and flat with no steep inclines or hills throughout.
- 2.6 The public footpath is very well used by not just horse riders as a bridle way but the entire local community as a footpath. As the current footpath is useable in all weathers due to its

construction of sand and stone, and the fact it is long straight and flat with no hill work, it makes it widely accessible to walkers, dog walkers, parents and children, prams and buggies, and cyclists who utilise it every day throughout the year.

The footpath has been in existence since Lea Castle was built in 1762 utilised to join the two villages and their iron forges together one in Wolverley and one in Cookley.

(Source Appendix 1) *"...a noble mansion surrounded by 550 acres of land enriched with plantations of oak and other timber."*

This route now offers safe passage to children walking to the local schools from the villages and all residents not just from the villages but Kidderminster itself for the recreational leisure activities mentioned above. This bridle path / footpath is part of our local heritage, our local history and should remain as it was intended to be used by the local community now and forever.

- 2.7 The bridle path / footpath is made up of sand and gravel with portions of grass verges in places, with several horse gates through it. It is accessible to all, in all weathers including heavy rain, ice and snow. It is long and flat with no adverse hill work. In my seven years at Lea Castle we have at periods been able to ride on the land proposed to quarry, until the landowner had fallen out with the Lea Castle Equestrian livery owner following complaints of his overuse of scrambling on his land. The landowner has also sent abusive emails to members of the community when they've strayed from the footpath. So, I have no faith that 'extending' any of the footpaths will be honoured by the landowner anyway, he seems to take umbrage to the local community and our rights of way in their current form, let alone extending them.
- 2.8 There is still no mention of what the diverted bridle path / footpath around the perimeter of the site will be made from? Wheelchair users, mobility users, cyclists and the disabled would not be able to walk round the edge of a field during the Winter or wet periods of year with no hard standing to do so. A portion of the diverted footpath next to the A449 inclines up a hill which would not be accessible to wheelchair users or the disabled.
- 2.9 The Wyre Forest is home to many horse owners who utilise the thriving competition venue facilities, hacking and livery yard businesses within the area. The bridleway at Lea Castle Farm has been in situ for over fifty years and is regularly used as safe passage to access additional off-road riding for riders into Kinver, Wolverley and beyond. There are many horse riders who access this bridle way, from young inexperienced children to the retired, and everyone in between, and those are just the riders from my yard. We even have some horses with disabilities that must stay off road because they are visually impaired, and it is unsafe to ride on the roads.
- 2.10 The current bridle path is quiet, with no noise from the main road, it is peaceful, and during our early morning rides in the Summer you'll see a lot of wildlife including deer, foxes, owls, pheasants etc utilising it too. Riders don't have to worry about traffic, which has got a lot worse in recent years. The proposal of bunds or bales of hay along the drive will certainly not drown out the sound of a full-time working quarry, removing the tranquillity and calm for the next eleven plus years.

2.11 I refer to document CD15.13 Lea Castle Farm Non-Technical Summary 8.10.4 In respect of all site PROW, appropriate safety fencing will be in place together with small scale visual mitigation measures including the placement of straw bales to screen temporary quarry activities. So the openness of hacking my horse has been replaced by safety fencing and bunds or straw bales so I'm now riding through a narrow tunnel with no visual openness, natural light, and significant noise from the quarry that my horse can't see either. I cannot see over the lowest height bunds of 3m and neither can my horse who is a flight or fight animal

2.12 The British Horse Society reported In May 2024

2.13

The British Horse Society is the UK's largest equestrian Charity, representing the UK's 3 million horse riders. Nationally equestrians have just 22% of the rights of way network –

only 15.3% in Worcestershire - and are increasingly forced to use busy roads to access them.

Between 01.01.2023 – 31.12.2023 the BHS received reports

in Worcestershire of 55 incidents on the road involving horses with one horse fatality.

This illustrates the importance of protecting, improving and extending safe off -

road provision to prevent these road network in the vicinity.

numbers from increasing in the future. The NPPF para 104 states:

Planning policies and decisions should protect

and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.

There are 1001 horse registered to the DY10 postcode area (DEFRA, 2021).

£6,887 per horse (BETA, 2023) is

contributed to the economy benefitting local economies where equestrian activities thrive.

This equates to a total of £ 6,893,887

contribution to the economy per annum. There are riding centres and livery yards in the area creating employment and using equine services (vet, farrier, feed, instructors, etc) as well as using the roads and off -

2.14 I've always used it as a means of clearing my head whether that's at the start of the day or the end of the day, it's just so peaceful and relaxing riding out on it, I call it balancing my inner zen.

3.0 Policy

3.1 Minerals Local Plan

Access and recreation Policy MLP 30:

Access and Recreation

Planning permission will be granted where it is demonstrated that the proposed mineral development will protect and enhance rights of way and public access provision.

A level of technical assessment appropriate to the proposed development will be required to demonstrate that, throughout its lifetime, and taking into account the cumulative effects of multiple impacts from the site and/or a number of sites in the locality, the proposed development will:

- a) optimise opportunities to enhance the rights of way network and provision of publicly accessible green space, integrating other green infrastructure components where appropriate;
 - b) not have an unacceptable adverse effect on the integrity and quality of publicly accessible green space;
 - c) not have an unacceptable adverse effect on the integrity and quality of the existing rights of way network or navigable waterways; and
 - d) retain rights of way in situ unless it is demonstrated that this is not practicable:
 - i. where it is demonstrated that retaining rights of way in situ is not practicable, temporary or permanent diversions will be expected to achieve an enhanced route and level of access provision over that which was previously available and must be for as short a distance and duration as practicable; and
 - ii. closure of any rights of way must only occur where it is demonstrated that it is not practicable to retain rights of way in situ and no suitable temporary or permanent diversion is possible. Compensatory provision must be made.
- 3.2 The Wyre Forest District Local Plan (2016-2036) - Adopted April 2022. Section 8 Health and Wellbeing Policy SP.16 - Health and Wellbeing says that,
 “Development should help minimise negative health impacts and maximise opportunities to ensure that people in Wyre Forest District lead healthy, active lifestyles and experience a high quality of life by:
- a. Providing easy to maintain, safe and attractive public realm and green infrastructure including green spaces, footpaths, bridleways and cycle routes that encourage active travel opportunities. These spaces should enable formal and informal physical activity, recreation and play, and should support healthy living and social cohesion. The design of these spaces should be flexible and should consider older people and those living with dementia or disabilities.”
- 3.3 The proposed new bridleway / footpath neither protects nor enhances the use for its users. Horse riders will lose their peaceful quiet riding and be forced to ride next to busy roads with cars travelling at the national speed limit which could result in injury or death. The disabled and young families with prams and pushchairs may lose their use altogether if they cannot navigate the steep incline from the A449 up the B4189. No mention has been made on what the new bridleway / footpath will be made from. Currently the community can enjoy it’s use all year round, the access as it stands is not even a dirt track around fields. The footpath and bridleway will completely change and users will be forced into an industrialised area next to heavy plant machinery, the quarry plant itself, and over 150 HGV vehicle movements per day, which is not this area’s natural environment
- 3.4 The BHS stated in their objection dated May 2024
- 3.5 The proposed access is from B4189 Wolverley Road . How would risks to horse riders, wheelers and pedestrians – all vulnerable road users – be mitigated? Construction and production will include HGV return journeys and therefore impact on the volume of traffic on the road network locally and within the site across the bridleway ; the application document [https://e-planning.worcestershire.gov.uk/swift/MediaTemp/989 - 21905.pdf](https://e-planning.worcestershire.gov.uk/swift/MediaTemp/989-21905.pdf) describes the

bridleway as the internal access road.

Already mainly 60mph roads, the additional traffic and the added complication of vehicles regularly turning into the access road will make the road higher risk for vulnerable road users in the absence of speed restrictions or other traffic calming measures.

The traffic could also damage the

highway surface including the verge making it uneven for horses and limiting refuge

available. Movement of the construction and production traffic –

154 movements per working day - will coincide with times that equestrians

are active on the bridleways (evenings and Saturdays particularly)

and local highways network to reach the off-road routes.

HGV's are generally 2.5m wide and 4.5m high (some vehicles for component transportation significantly larger)

which, on the road network local to the site, would sandwich a horse and rider between the vehicle and the extent of the highway

with little room for refuge which may cause panic. The Highway Code Rule 163 advises a

distance of 2m to be maintained between horses and vehicles when passing on the highway

- 3.6 I fail to see how it enhances the network because the proposed new routes do not go anywhere, or access for horses isn't accessible. The bridle path / footpath no longer becomes direct, merely redirected out of the way to benefit this planning application only.
- 3.7 Moving the bridle path and footpath moves it away from green space next to heavily used main roads. The green space is what this plan proposes to quarry. So how does this enhance the public's access to green space? You're taking it all away to quarry 110 acres for the next 10+ years if this plan is accepted.
- 3.8 The integrity and quality of the existing rights of way network will be lost, because the proposed new rights of way are not accessible to all, young families and the disabled have not been taken into consideration. Horse riders will lose their quiet, safe and peaceful bridle way and be forced to ride next to busy congested roads.
- 3.9 The proposed new route may have achieved additional length, but is not suitable for use by horse riders, young families with pushchairs and prams or the disabled. The entire community will have lost their peaceful, quiet, visually appealing, safe and serene bridle path / footpath. The submitted plans are expecting horse riders, young families and the disabled to utilise a PROW that traverses over the entrance to the quarry site, with absolutely no management on how users and HGV's will be mitigated. The BHS advise
Already mainly 60mph roads, the additional traffic and the added complication of vehicles regularly turning into the access road will make the road higher risk for vulnerable road users in the absence of speed restrictions or other traffic calming measures
- 3.10 Rerouting a quiet and peaceful bridle way / footpath from the middle of fields, grazing and a tree lined drive next to the busy A449 and B4189 will certainly not minimise health impact. There is a greater risk to horse riders for injury or death. Parts of the revised paths are not accessible to families with pushchairs and prams or the disabled, so you are limiting minority groups from its use.
- 3.11 By approving a quarry on the site of Lea Castle Farm the application goes against what WFDC are proposing in their Local Plan under Health and Wellbeing. The application industrialises a

safe and attractive green space utilised by the local community to walk, ride their bikes, walk their dogs, ride their horses, utilising the pleasant quiet bridleway and public footpaths. Following covid more than ever before people are utilising green space and taking a further interest in an active healthy lifestyle.

- 4 No mention has been made on how PROW users including equestrians will mitigate the bridlepath next to the plant site which is on the main through fair from the South Lodges to the Equestrian Centre.
- 4.1 A new public right of way (bridle way) measuring approximately 2.3 kilometres in length is proposed to be created around the perimeter of the site, going from the north-eastern corner of the site, along the western boundary of Wolverhampton Road (A449) located to the east of the site, along the northern boundary of Wolverley Road (B4189), which is located to the south of the site, and finishing in the south-western corner of the site, connecting to footpath WC-622.
- 4.2 There has been no clear assessment between NRS Aggregates and the Public Rights Of Way Team on how this revised bridle way will network as the current one does. (Source Appendix 3). They've not shown how the users of the PROW vs quarry site, and HGV's will be mitigated.
- 4.3 The BHS stated in their objected in May 2024 Sudden movement, noise and continuous levels of noise can be a hazard for equestrians as horses are flight animals, therefore these hazards should be located away from the highway to avoid a psychological obstruction.
- 4.4 The proposed bridle way onto Lea Lane has steps on either side unsuitable for horses and the access is too narrow for horses, which the team states above.
- 4.5 The speed limit on the Wolverley Road (B4189) is a 40mph limit into a national speed limit. The speed limit on the Wolverhampton Road (A449) is a 30mph limit into a 40mph limit, into a national speed limit.
- 4.6 As of the 29th January 2022 the highway code has been updated and vehicles must now pass horses at no more than 10mph. (Source Appendix 4). So how can this proposed bridle way be safe for horse riders, with vehicles passing at these speeds?
- 4.7 According to **Section 119 of the Highways Act 1980** before the County Council will consider an application to divert a public right of way it must be satisfied that:
 - *The diverted route must not be substantially less convenient to use as the existing route.*
 - *A diversion will not result in a negative effect on public enjoyment.*

(Source Appendix 5)

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

alongside the A449 and B4189 both busy noisy roads, users will lose the peace and calm of the previous footpath, they will lose the views, but they will see plenty of traffic, and hear lots of traffic from a busy A and B road. There are portions of the new route which are steep so the disabled, families with buggies and prams etc will lose the use altogether. The current footpath is a direct safe route from Cookley to Wolverley or the Sion Hill area of Kidderminster. The proposed new route is not direct, there is no clear communication from NRS and PROW on the dedicated new routes, footpath or bridle way. Please see email here (Source http://e-planning.worcestershire.gov.uk/swift/MediaTemp/989-28226.06.14_Response_to_PROW_Officer.pdf) So cannot understand how this application can be agreed with such diluted information on such a heavily utilised right of way by the general public.

- 4.9 The suggested diversion of the bridlepath has a large portion situated next to the busy A449 Kidderminster Road which is heavily used by all types of traffic throughout the day. (Please Refer To Image Ref PFP). Image was taken from the road, in my vehicle, I cannot access the land, because I do not have access onto the Strongs land, it isn't a public right of way.
- 4.10 Horses are prey animals and their usual response to danger is flight. A horse may also spin to identify the direction of the threat. A horse prevented from running by its rider or driver may plunge or spin around in a small area while trying to see the threat. There is a danger to a handler, rider or carriage-driver (equestrian) who may be knocked over or thrown during the spin or bolt, and even if staying with the horse, may not be able to stop before losing contact or encountering another hazard. While in flight mode, a horse is difficult to control and could run into a dangerous situation which it would normally avoid (such as traffic). (Source <https://www.bhs.org.uk/media/qb4dgvr/f/noise-1218.pdf>)
- 4.11 The proposal will move a bridle path running through open countryside, easily accessible for all and quiet, to the outside of the land next to a heavily used A449 Kidderminster Road, and equally busy B4189 Wolverley Road, both roads have seen their fair share of vehicle accidents in the last six months alone. Horse riders will risk their animals and safety because of this proposal.
- 4.12 Similar concerns raised regarding a former Leicester quarry, with regard to the transportation of inert waste & soil (as proposed for the Lea Castle application) saw the application being refused as follows:
- “...Taking into account British Horse Society comments on the potential for injuries to horses and safety concerns, the inspector concluded that the size of lorries and frequency of traffic would conflict with other users of the lane and make the access unsafe, contrary to the requirement of minerals and waste local plan policy. She also found details of a proposed acoustic fence outside the equestrian centre insufficient to demonstrate that lorry noise effects on occupiers and horses kept there would be sufficiently mitigated...
...Inspector: Rebecca Norman; Written representations...”

(Source Appendix 6)

- 4.13 Horses will not be able to be ridden over the conveyor that the application is proposing is buried under the tree lined drive, which currently is part of the bridleway / pathway. The vibration across the bridle way / pathway will be noisy and unpredictable. Unlike police horses

who are trained for such activities these are leisure and competition horses. So, the reaction here will be to 'spook' or run from the noise and vibrations, causing injury or at worse death.

- 4.14 "It is recommended initially that horse-riders should dismount and lead the horses over the conveyor a number of times so that the horses are aware of the changed surface covering the below ground conveyor." [https://www.worcestershire.gov.uk/sites/default/files/2023-01/cd3.16_appendix I - technical specification for the below ground conveyor.pdf](https://www.worcestershire.gov.uk/sites/default/files/2023-01/cd3.16_appendix_I_-_technical_specification_for_the_below_ground_conveyor.pdf)

Putting a quarry conveyor under a bridleway is not a good idea for several key reasons:

- 4.14.1 **Safety Concerns for Riders and Horses:** Horses are sensitive animals that can be easily spooked by unfamiliar sights, sounds, and vibrations. The noise and movement from an underground conveyor belt could cause sudden distress or unpredictable behavior in horses, making the bridleway unsafe for riders. Any disturbance could lead to accidents, particularly in an area where riders expect peace and quiet.
- 4.14.2 **Vibration and Structural Integrity:** The constant vibration from a conveyor operating beneath the bridleway could compromise the stability of the ground, leading to cracks, subsidence, or uneven surfaces. These changes could make the bridleway unsafe, increasing the risk of horses tripping or riders losing control.
- 4.14.3 **Dust and Air Quality:** Quarry conveyors often release dust as they transport materials. Even with measures in place, dust can rise to the surface through cracks or openings, impacting the air quality along the bridleway. This could not only harm riders and horses but also damage the surrounding environment.
- 4.14.4 **Impact on Tranquility:** Bridleways are often designed to provide a calm, natural environment for horseback riding. A conveyor belt underneath the path disrupts this by introducing industrial activity into an otherwise serene area, detracting from the overall experience of both riders and walkers.
- 4.14.5 **Potential for Future Maintenance Issues:** If the conveyor or bridleway requires repairs, it may lead to temporary closures or disruptions. This would inconvenience regular users and potentially cause long-term access issues for equestrian centres and recreational riders in the area.
- 4.14.6 There is no concrete evidence that putting a quarry conveyor under a bridleway is safe to do and I refer you to your technical specification CD3.16 Supporting Statement For Conveyor Underpass Under Crossing Of Bridleway you simply refer to other 'works' complete for Dan Skelton and Nick Skelton these are building works and not a conveyor.

- 4.15 The BHS have stated in their statement

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wider bridleway network. The Lea Castle Quarry proposals indicate that a conveyor belt would be located under bridleway WC 626B . Sudden movement, noise and continuous levels of noise can be a hazard for equestrians as horses are flight animals, therefore these hazards should be located away from the highway to avoid a psychological obstruction.

Which further concretises the fact that you cannot and should not put a conveyor under a public bridleway utilised by horse riders.

The fact it has been advised by NRS Aggregates for riders to dismount at the conveyor shows a complete lack of understanding about horses, and riding horses, as a rider you have far more control on board. No thought has been put into horse riders or horses throughout this application, and this is simply to justify this ridiculous conveyor under the bridleway.

- 4.16 The appeal decision referenced above and fully available at Appendix 7 concludes at clause 16 stating “Consequently, I am unable to conclude that the proposed development would comply with Policy DM2 of the LMWLP, insofar as it relates to the need to demonstrate that minerals and waste development would be acceptable in terms of potential effects from noise to adjoining land uses and users, amongst other things.”. **This clearly gives the inquiry precedence to refuse the appeal based on the noise effects of other land users.**
- 4.17 Wheelchair users and the disabled would struggle with safe footing across vibrating ground. They could become unseated from mobility transport, or simply be knocked from their feet. Families with children in pushchairs or babies in prams are at risk here too.
- 4.18 NRS’s response to these concerns was,
“Given the level of bridleways and permissive paths being provided by the Appeal Scheme together with there being no objection from the British Horse Society, the County Footpath Officer together with the planning officer’s own assessment as presented in the committee report (CD10.01), it is nonsensical that this is a reason for refusal.”
There is no indication the BHS visited the site. Or just looked at the addition to the bridleway?
I can confirm that I on 4th April 2024 I conducted a site visit with Wendy Bannerman Access Field Officer West and East Midlands from the BHS, I spent over 2.5 hours with Wendy going through the application and walking around the site where we had public access and driving the perimeter of where we did not. This has been submitted to this inquiry with her objections. As a horse rider and BHS member I have fully access to the BHS, but how many other organisations have not been approached correctly during this application?
- 4.19 The current main drive will become a canyon with no views across the countryside.
- 4.20 The additional bridle way does not outweigh the 10+ years of noise, dust and loss of quiet open space if this quarry is approved, because no noise mitigation has been put into place at any point during this plan if riders were forced to use this revised bridle way. Or for the horses living in proximity the site itself. What is being proposed conflicts with several references from their website as noted above.
- 4.21 <https://www.worcestershire.gov.uk/sites/default/files/2024-08/CD15.13%20Lea%20Castle%20Farm%20Non-Technical%20Summary%20%E2%80%93%20July%202024.pdf> Page 12

Lowering the height of 7 of the 20 bunds and removing 3 still significantly impacts our current open bridleway which is used by horse riders. I cannot see over a 3m bund. Bunds are bad for the following reasons

1. **Visual Obstructions:** Quarry bunds create large, unnatural visual barriers that can disrupt a horse's field of vision. Horses are prey animals, and they are more comfortable in open spaces where they can see their surroundings. Tall bunds along a bridleway may cause horses to become anxious or spooked, as they block sightlines and create a sense of confinement.

2. **Noise Amplification:** Bunds can unintentionally trap and reflect noise from quarry operations, such as machinery, blasting, or vehicle movements, intensifying the sound near bridleways. Loud, unexpected noises can easily frighten horses, leading to erratic behaviour or accidents.
3. **Wind Tunnels and Microclimates:** Large bunds can create localised wind tunnels or microclimates along bridleways. Sudden gusts of wind or changes in temperature caused by these structures could surprise horses and affect the overall riding experience. Horses may react unpredictably to such environmental changes, making the bridleway less safe for riders.
4. **Dust and Air Quality:** Bunds are often used to contain dust from quarrying activities, but they don't always prevent dust from drifting onto nearby bridleways. Airborne dust can affect both riders and horses, potentially leading to respiratory issues. Horses are vulnerable to respiratory problems caused by prolonged exposure to dust.
5. **Loss of Natural Landscape:** Riders often choose bridleways for their scenic and natural environment. Quarry bunds, which are artificial mounds, alter the natural landscape and can diminish the aesthetic value of the route. The presence of large, industrial structures next to what is typically a peaceful, rural path can detract from the enjoyment of riders and disrupt the harmony of the environment.

In conclusion, bunds, even if intended to mitigate other quarry impacts, can create physical, environmental, and safety issues for horse riders using nearby bridleways. These effects make the routes less appealing and potentially hazardous for equestrian use.

5 Footpaths Study

- 5.1 The Lea Castle Farm site has been parkland since 1762, when the historic wall around the site as well as the gate houses were first constructed by the Knight family. The site has, since this time, been accessed by the local communities for both destination travel and recreational use. There are several footpaths and bridleways that cross the site.
- 5.2 In order to ascertain the level of the use of the site, the *Stop the Quarry* campaign group undertook a study of the number of individuals using either the bridleways or footpaths to demonstrate the amount the local communities depend upon these rights of way.
- 5.3 The bridleways and footpaths were monitored over the course of one week during the month of August, starting on Monday 2nd August 2021. The observations were restricted to weekdays in order to avoid the clear bias to usage at weekends. It was believed that it gave a minimum traffic calculation rather than maximum calculation. The results were then extrapolated for a 12-month period to estimate one calendar year's use.

5.4 Results

Traffic Type	Observed Results	Extrapolated 12 Month Results
Cyclists	16	1,165
Walkers	237	17,254
Joggers/Runners	40	2,912
Horses	10	728

Mobility Scooter	3	243
Total Individuals	306	22,309

5.5 Conclusion of study

The results show a very considerable usage of the bridleways and footpaths that are encompassed in the proposed development site. The historic usage has continued over the centuries and whilst it has most probably changed in content, it probably has not in volume. The historic parkland forms a large community facility which would come to an end during the proposed development. We conclude that approving the development would disrupt the lives of many local people and probably reduce the amount of exercise being undertaken by residents, with the obvious health and wellbeing consequences. In addition, this reduction in considerable traffic would likely reduce business and spend at local pubs and cafes, having a negative economic impact.

6 Conclusion

- 6.1 My conclusion as a horse rider is that moving the bridle way does not benefit horse riders or their horse physically or mentally. We stand to gain absolutely nothing but loss of our calm, quiet and peaceful riding. If approved, the proposal would put the lives of young and old riders at risk, horses would be in danger, these revised new routes are not safe. This is an accident waiting to happen.
- 6.2 Policy requires proposals must protect and enhance rights of way and public access provision. The proposals will damage and degrade rights of way and public access provision.
- 6.3 Development should help minimise negative health impacts and maximise opportunities to ensure that people in Wyre Forest District lead healthy, active lifestyles and experience a high quality of life. The proposal will harm public health and reduce activity and quality of life.
- 6.4 There is a precedent for refusing planning (Appendix 7) on the grounds of the noise effects on other land users.
- 6.5 Diverted routes must not be substantially less convenient to use as the existing route and must not result in a negative effect on public enjoyment. The diversions are considerably less convenient and significantly detract from public enjoyment.
- 6.6 These proposals meet none of these requirements.



Images Appendix

BP1 Image – The top portion of the footpath and bridle path from the North Lodges at Cookley with scenic views and peaceful surroundings.



BP2 Image – The continuation of the footpath and bridle path from the North Lodges at Cookley with scenic views and peaceful surroundings.



BP3 Image – Halfway down the footpath and bridle path between the North and South Lodges.



BP4 Image – The second portion of the footpath and bride path on the approach to the South Lodges at Wolverley with scenic views and peaceful surroundings.



BP5 Image – The approach of the footpath and bridle path to the North Lodges at Wolverley with scenic views and peaceful surroundings.



PFP Image – Indicates a portion of where this planning application is choosing to move the footpath and bridle path to, next to the busy A449 road and B4189, taken from my car driving down the B4189 as I do not have access to the land. The B4189 provides a steep incline which will make this footpath unusable for families with prams and pushchairs or the disabled, or those with mobility issues. It will also make riding horses next to two busy roads an accident waiting to happen.




Appendix 1 - Lost Heritage / a memorial to England's lost country houses

England's Lost Country Houses | Not secure | losheritage.org.uk/houses/ln_worcestershire_leacastle.html

LOST HERITAGE / England's lost country houses

complete list featured houses houses at risk about




LOST HERITAGE

- complete list
- featured houses
- about Lost Heritage
- houses at risk
- contact

LEA CASTLE

LOCATION	WOLVERLEY
COUNTY	WORCESTERSHIRE
YEAR	1845
DEMOLISHED	
REASON	DERELICT




GALLERY

The fine park and a campsite at Wolverley are all that mark the passing of the imposing mock castle which once dominated the estate.


Lea Castle was built with the profits of the local iron industry. The Cookley Ironworks were founded in the late 1600s and the town quickly became the centre of the local iron and triplate industry - not least because a local resident, one Joseph Piper, invented and then patented a successful tinning process. The mill at Cookley was originally a corn mill but by 1706 it, and another local mill, had been taken over by the new industry. These two mills were leased by the Knight family and by 1750 they had purchased them outright.

Edward Knight owned the mills for thirty years until his death in 1780. It was Edward, with the wealth generated from the iron works, who had Lea Castle built in the then fashionable neo-Gothic style in 1762. Situated on an outcrop, the house was a large, brick-built castellated mansion which was described in 1848 as:



LOST HERITAGE / England's lost country houses


complete list featured houses houses at risk about



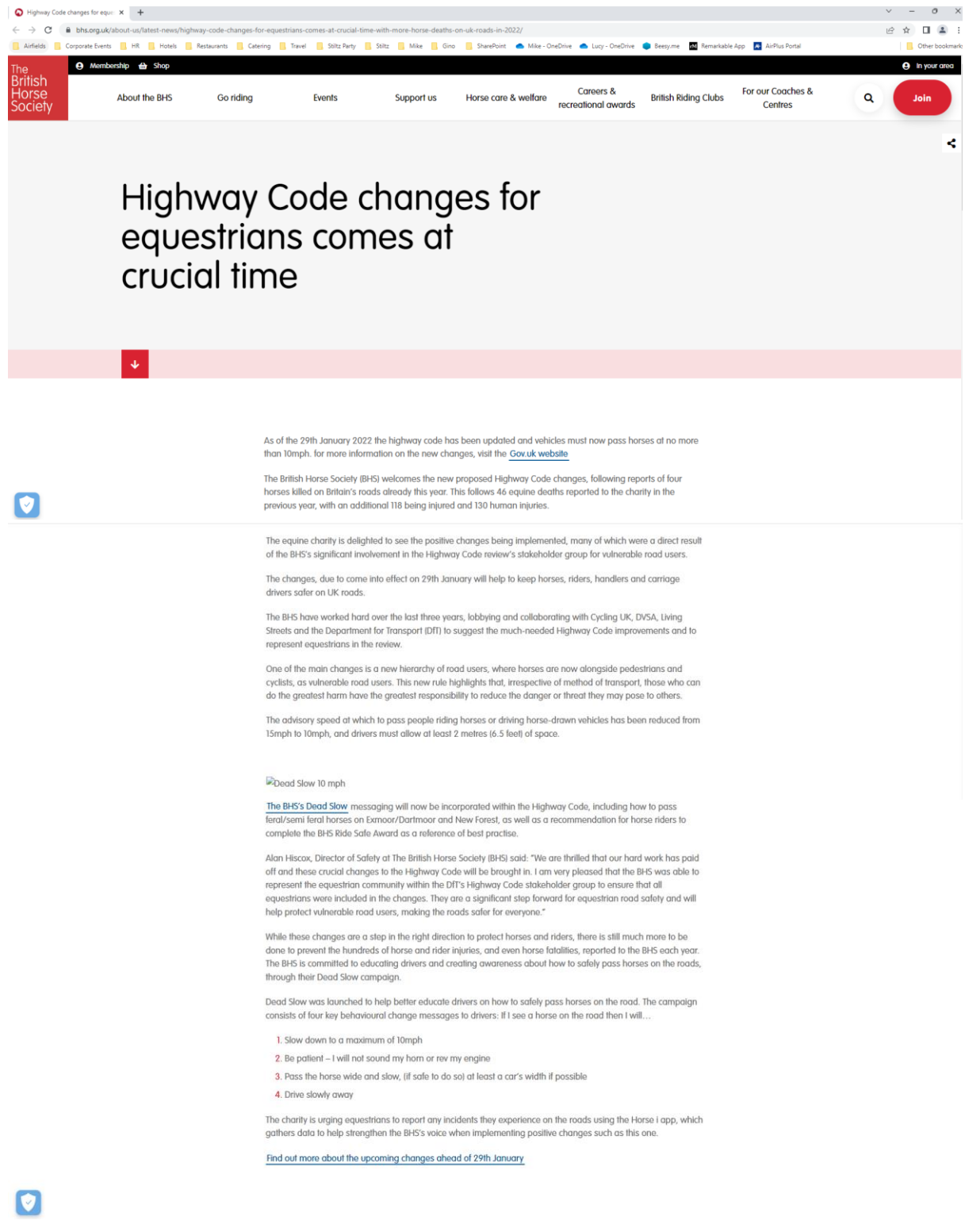
"...a noble mansion surrounded by 550 acres of land enriched with plantations of oak and other timber"

On Edward's death the house and business passed to his son, John Knight. However, in 1823, he sold the house to John Brown who is said to have greatly improved it. On his death the house passed to his daughter and then, by marriage, into the Westhead family. In 1848 it was owned by Joshua Proctor Brown-Westhead, a former local MP and chairman of the Inventors Society. In 1913 it was the residence of Mr. George Montagu Brown-Westhead, B.A., LL.M. Whatever the wealth which had enabled the Brown family to purchase the house, it had evidently gone by the twentieth century. Maud Westhead-Brown inherited the estate aged just 16. She later married but by 1933 the decision had been taken to sell off the estate. The auction was held in the Lion Hotel in Kidderminster with many of the lots being sold to individuals.

Little further information exists about the house from this period. One can assume that as the estate was being sold there were financial issues and that the house was unlikely to have been well-cared for. In 1939 the local council investigated whether it would be suitable for housing refugees but already the house was in such a state of disrepair that the idea was abandoned. Lea Castle was eventually demolished in 1945. All that remains of the house is some parkland and the long boundary wall and imposing **North Lodge gatehouse**.



Appendix 2 - The British Horse Society



Highway Code changes for equestrians comes at crucial time with more horse deaths on UK roads in 2022

Membership Shop In your area

About the BHS Go riding Events Support us Horse care & welfare Careers & recreational awards British Riding Clubs For our Coaches & Centres

Highway Code changes for equestrians comes at crucial time

As of the 29th January 2022 the highway code has been updated and vehicles must now pass horses at no more than 10mph, for more information on the new changes, visit the [Gov.uk website](#)

The British Horse Society (BHS) welcomes the new proposed Highway Code changes, following reports of four horses killed on Britain's roads already this year. This follows 46 equine deaths reported to the charity in the previous year, with an additional 118 being injured and 130 human injuries.

The equine charity is delighted to see the positive changes being implemented, many of which were a direct result of the BHS's significant involvement in the Highway Code review's stakeholder group for vulnerable road users.

The changes, due to come into effect on 29th January will help to keep horses, riders, handlers and carriage drivers safer on UK roads.

The BHS have worked hard over the last three years, lobbying and collaborating with Cycling UK, DVSA, Living Streets and the Department for Transport (DfT) to suggest the much-needed Highway Code improvements and to represent equestrians in the review.

One of the main changes is a new hierarchy of road users, where horses are now alongside pedestrians and cyclists, as vulnerable road users. This new rule highlights that, irrespective of method of transport, those who can do the greatest harm have the greatest responsibility to reduce the danger or threat they may pose to others.

The advisory speed at which to pass people riding horses or driving horse-drawn vehicles has been reduced from 15mph to 10mph, and drivers must allow at least 2 metres (6.5 feet) of space.

Dead Slow 10 mph

The BHS's [Dead Slow](#) messaging will now be incorporated within the Highway Code, including how to pass feral/semi feral horses on Exmoor/Dartmoor and New Forest, as well as a recommendation for horse riders to complete the BHS Ride Safe Award as a reference of best practise.

Alan Hiscox, Director of Safety at The British Horse Society (BHS) said: "We are thrilled that our hard work has paid off and these crucial changes to the Highway Code will be brought in. I am very pleased that the BHS was able to represent the equestrian community within the DfT's Highway Code stakeholder group to ensure that all equestrians were included in the changes. They are a significant step forward for equestrian road safety and will help protect vulnerable road users, making the roads safer for everyone."

While these changes are a step in the right direction to protect horses and riders, there is still much more to be done to prevent the hundreds of horse and rider injuries, and even horse fatalities, reported to the BHS each year. The BHS is committed to educating drivers and creating awareness about how to safely pass horses on the roads, through their Dead Slow campaign.

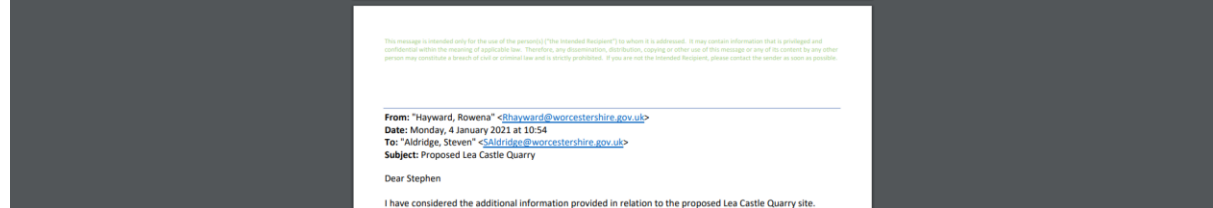
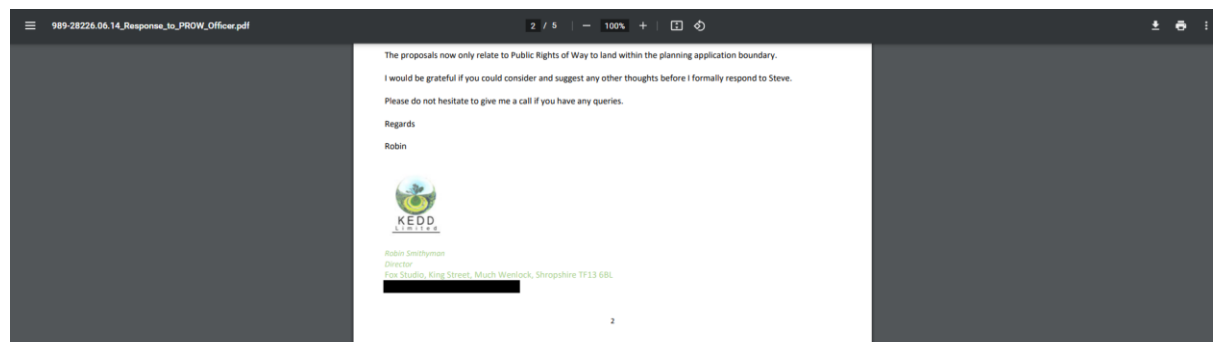
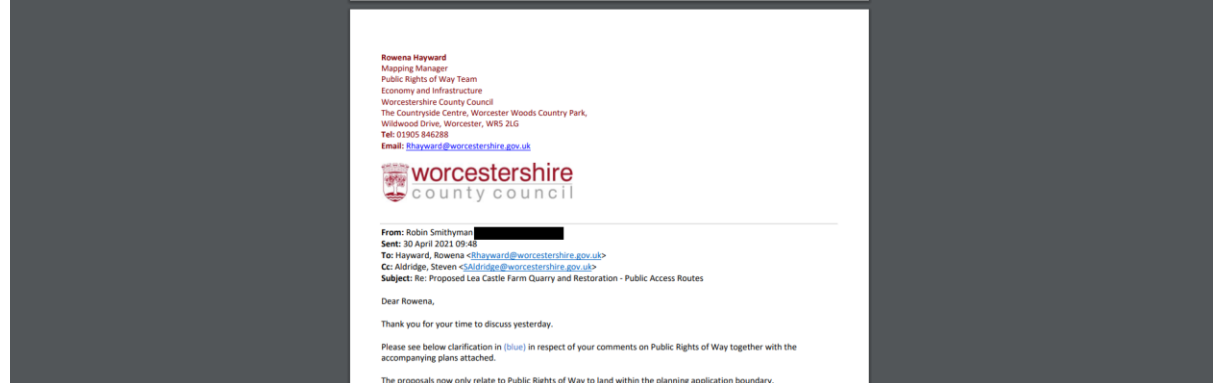
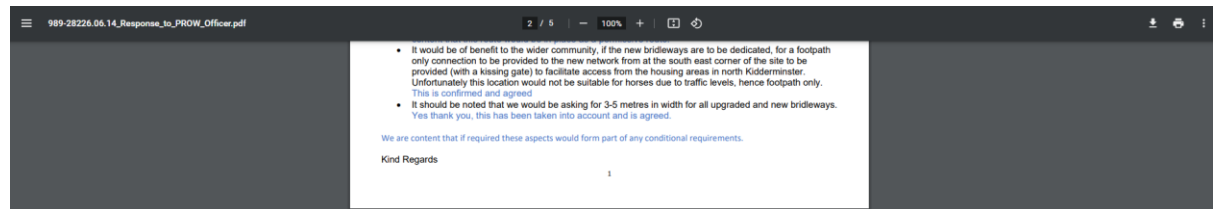
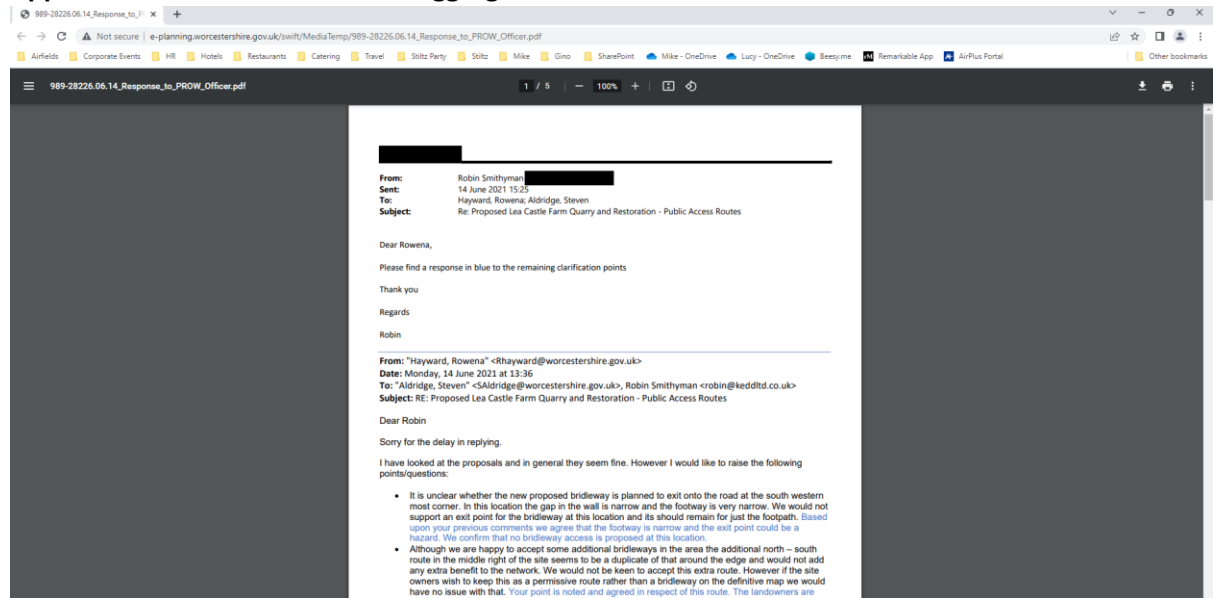
Dead Slow was launched to help better educate drivers on how to safely pass horses on the road. The campaign consists of four key behavioural change messages to drivers: If I see a horse on the road then I will....

1. Slow down to a maximum of 10mph
2. Be patient – I will not sound my horn or rev my engine
3. Pass the horse wide and slow, (if safe to do so) at least a car's width if possible
4. Drive slowly away

The charity is urging equestrians to report any incidents they experience on the roads using the Horse i app, which gathers data to help strengthen the BHS's voice when implementing positive changes such as this one.

[Find out more about the upcoming changes ahead of 29th January](#)

Appendix 3 - Email between NRS Aggregates and the PROW team



The additional information with regards to the conveyor crossing seems reasonable. I would add the caveat however that if it is felt that additional screening is needed following feedback from users once the conveyor is operational then we would ask that this remains a possibility.

In respect of the proposed temporary below ground conveyor, it is confirmed that if additional surround screening is required by users once constructed, that the applicant would instigate such screening via changes to the proposed mitigation temporary seeded soil bunds and/or agricultural straw bales.

As regards the upgrades and changes to the footpaths and bridleways on the site I have the following queries:

The proposed upgrade of footpaths WC-622 and WC-623 to a bridleway.

- The route has steps at both ends which would be unsuitable for horses at the Lea Lane ends this is a significant rise in level.
- I have concerns about horses accessing onto the wolverley road at the southern end of footpath WC-622 as the road is very busy and fast moving and has only a narrow footway.
- The gap in the brick wall at this point is not currently wide enough for horses.
- The northern end of path does not currently follow the definitive line but exits through the brick wall opposite Lea House and we believe this to be an informal rerouting of long standing. The exit at this point is not wide enough for horses.
- Any upgrade of these routes will request full agreement from the landowner and I am not clear if this land is owned by the quarry site.
- In order for the current route to be upgraded to a bridleway the width will need to be 3m at a minimum and possibly wider if the area is enclosed. This width is not currently possible along much of the route.
- It may be more suitable to look at alternative routes which could be dedicated rather than a try to upgrade the existing route. This would need to have a definitive benefit to the network for us to be keen to accept the dedication.

It is noted that it may be more suitable to look at alternative routes within the planning application boundary to provide achievable benefits to the network. As such we attach a copy of Drawing No KD LCF 03A and 03A4 which propose a new section of bridleway adjacent (to the east) of Public Footpath WC 622. This could be a dedicated route or permissive, managed and maintained by the landowner and enforceable by an appropriate planning condition. As with the current proposal this land is under the control of the applicant. It is confirmed that the required 3m width and

associated bridleway specifications will be established for this and all new section of bridleways and that the current section of Public Footpath WC -622 will remain in place and in use.

The proposed upgrade of footpath WC-624 to a bridleway.

If the bridleways above are not to be upgraded it is not clear that there would be a benefit to the network in upgrading this when it will be a dead end route. If suitable links are provided and as long as the landowner is in agreement then I see no issue with this dedication as bridleway.

Given the above we would still wish to upgrade this section of PROW to a bridleway. Again, it could be dedicated or permissive, managed and maintained by the landowner.

The new spur to the pocket park

This would be of benefit to the pocket park users only and would have no significant benefit to the network and would be more appropriate to be maintained as part of the pocket park rather than dedicated as a bridleway.

Yes, it is confirmed that this would be a permissive route managed and maintained by the landowner and enforceable by an appropriate planning condition.

Additional Bridleways provided.

We would be willing to accept the dedication of some additional bridleways within the site however some of the routes appear to be more in line with public open space rather than linking routes. I understand that a footpath link is suggested from the Wolverhampton Road/ Wolverley Road to access the site and reconstructed land on its eastern edge. If this link was provided then the outermost circular route is a clear improvement to the network. However the additional north south link within the site would appear to be an open space feature rather than a clear network improvement and would be more appropriately dealt with as a route provided within the site by those who will continue to maintain it rather than dedicated as a path on the definitive map. We would also suggest that the link from the road would not be suitable for horses due to the amount of traffic using the road, narrow footpath and the lack of bridleway on-links from this point.

The scheme has been designed in a holistic manner, combining both benefits to the PROW network and general amenity. As such, I understand your comment in respect of what is potentially a dedicated route. As such, if one of the routes was dedicated, the landowner confirms that the other could be a permissive route secured and maintained under an appropriate planning condition.

We would therefore feel that we would not be able to support all the amendments proposed by the public rights of way plan at this point. However we would not be against the principle of additional dedications but feel these would need some amendments to ensure new routes are workable and of benefit to the network. Please see above proposed clarification.

Kind Regards

Rowena Hayward
Mapping Manager
Public Rights of Way Team
Economy and Infrastructure
Worcestershire County Council
The Countryside Centre, Worcester Woods Country Park.

Tel: 01905 846288
Email: Rhayward@worcestershire.gov.uk



If you have a query regarding Coronavirus please refer to Public Health England guidance and/or call NHS 111 which has a dedicated Coronavirus helpline.
<https://www.gov.uk/government/topics/coronavirus-covid-19-uk-government-response>

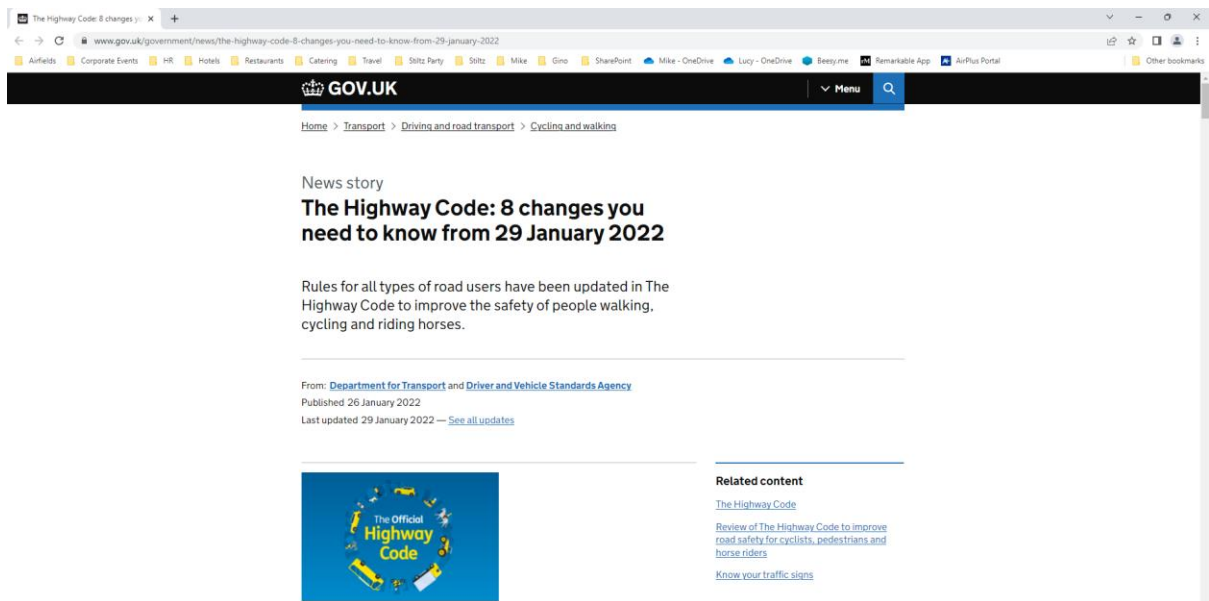


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Appendix 4 - Changes to the Highway Code



The screenshot shows a web browser displaying the GOV.UK website. The page title is "The Highway Code: 8 changes you need to know from 29 January 2022". The breadcrumb trail is "Home > Transport > Driving and road transport > Cyclists and walking". The main heading is "News story The Highway Code: 8 changes you need to know from 29 January 2022". Below the heading is a sub-heading: "Rules for all types of road users have been updated in The Highway Code to improve the safety of people walking, cycling and riding horses." The page also includes a "From:" section with the Department for Transport and Driver and Vehicle Standards Agency, a publication date of 26 January 2022, and a last updated date of 29 January 2022. There is a "Related content" section with links to "The Highway Code", "Review of The Highway Code to improve road safety for cyclists, pedestrians and horse riders", and "Know your traffic signs". A blue graphic with the text "The Official Highway Code" is also visible.

Applies to England, Scotland and Wales
[Guidance for Northern Ireland](#)

The changes follow a [public consultation on a review of The Highway Code to improve road safety for people walking, cycling and riding horses](#). It ran from July to October 2020, and received more than 20,000 responses from the public, businesses and other organisations. Most people who responded were in favour of all the changes.

The changes were made to The Highway Code on Saturday 29 January 2022.

Here are 8 of the changes that you need to know about.

1. Hierarchy of road users



The introduction section of The Highway Code has been updated to include 3 new rules about the new 'hierarchy of road users'.

The hierarchy places those road users most at risk in the event of a collision at the top of the hierarchy. It does not remove the need for everyone to behave responsibly.

It's important that all road users:

- are aware of The Highway Code
- are considerate to other road users
- understand their responsibility for the safety of others

The 3 new rules are numbered H1, H2, and H3.

Read the new rules

- [Rule H1 \(Introduction\)](#)
- [Rule H2 \(Introduction\)](#)
- [Rule H3 \(Introduction\)](#)

2. People crossing the road at junctions



The updated code clarifies that:

- when people are crossing or waiting to cross at a junction, other traffic should give way
- if people have started crossing and traffic wants to turn into the road, the people crossing have priority and the traffic should give way
- people driving, riding a motorcycle or cycling must give way to people on a zebra crossing and people walking and cycling on a parallel crossing

A parallel crossing is similar to a zebra crossing, but includes a cycle route alongside the black and white stripes.

Read the updated rules

- [Rule H2 \(Introduction\)](#)
- [Rule 8 \(Rules for pedestrians\)](#)
- [Rule 19 \(Rules for pedestrians\)](#)
- [Rule 170 \(Using the road\)](#)
- [Rule 195 \(Using the road\)](#)
- [Rule 206 \(Road users requiring extra care\)](#)

3. Walking, cycling or riding in shared spaces



There is new guidance in the code about routes and spaces which are shared by people walking, cycling and riding horses.

People cycling, riding a horse or driving a horse-drawn vehicle should respect the safety of people walking in these spaces, but people walking should also take care not to obstruct or endanger them.

People cycling are asked to:

- not pass people walking, riding a horse or driving a horse-drawn vehicle closely or at high speed, particularly from behind
- slow down when necessary and let people walking know they are there (for example, by ringing their bell)
- remember that people walking may be deaf, blind or partially sighted
- not pass a horse on the horse's left

Read the updated rules

- [Rule H1 \(Introduction\)](#)
- [Rule 13 \(Rules for pedestrians\)](#)
- [Rule 62 \(Rules for cyclists\)](#)
- [Rule 63 \(Rules for cyclists\)](#)

4. Positioning in the road when cycling



There is updated guidance for people cycling about positioning themselves which includes:

- riding in the centre of their lane on quiet roads, in slower-moving traffic and at the approach to junctions or road narrowings
- keeping at least 0.5 metres (just over 1.5 feet) away from the kerb edge (and further where it is safer) when riding on busy roads with vehicles moving faster than them

People cycling in groups

The updated code explains that people cycling in groups:

- should be considerate of the needs of other road users when riding in groups
- can ride 2 abreast - and it can be safer to do so, particularly in larger groups or when accompanying children or less experienced riders

People cycling are asked to be aware of people driving behind them and allow them to overtake (for example, by moving into single file or stopping) when it's safe to do so.

People cycling passing parked vehicles

The updated code explains that people cycling should:

- take care when passing parked vehicles, leaving enough room (a door's width or 1 metre) to avoid being hit if a car door is opened
- watch out for people walking into their path

Read the updated rules

- [Rule 67 \(Rules for cyclists\)](#)
- [Rule 213 \(Road users requiring extra care\)](#)

5. Overtaking when driving or cycling



You may cross a double-white line if necessary (provided the road is clear) to overtake someone cycling or riding a horse if they are travelling at 10 mph or less (Rule 129).

There is updated guidance on safe passing distances and speeds for people driving or riding a motorcycle when overtaking vulnerable road users, including:

- leaving at least 1.5 metres (5 feet) when overtaking people cycling at speeds of up to 30mph, and giving them more space when overtaking at higher speeds
- passing people riding horses or driving horse-drawn vehicles at speeds under 10 mph and allowing at least 2 metres (6.5 feet) of space
- allowing at least 2 metres (6.5 feet) of space and keeping to a low speed when passing people walking in the road (for example, where there's no pavement)

Wait behind them and do not overtake if it's unsafe or not possible to meet these clearances.

People cycling passing slower-moving or stationary traffic

The updated code confirms that people cycling may pass slower-moving or stationary traffic on their right or left.

They should proceed with caution as people driving may not be able to see them. This is particularly important:

- on the approach to junctions
- when deciding whether it is safe to pass lorries or other large vehicles

Read the updated rules

- [Rule 67 \(Rules for cyclists\)](#)
- [Rule 76 \(Rules for cyclists\)](#)
- [Rule 163 \(Using the road\)](#)
- [Rule 212 \(Road users requiring extra care\)](#)
- [Rule 215 \(Road users requiring extra care\)](#)

6. People cycling at junctions



The code has been updated to clarify that when turning into or out of a side road, people cycling should give way to people walking who are crossing or waiting to cross.

There is new advice about new special cycle facilities at some junctions.

Some junctions now include small cycle traffic lights at eye-level height, which may allow cyclists to move separately from or before other traffic. People cycling are encouraged to use these facilities where they make their journey safer and easier.

There is also new guidance for people cycling at junctions with no separate facilities.

The code recommends that people cycling should proceed as if they were driving a vehicle where there are no separate cyclist facilities. This includes positioning themselves in the centre of their chosen lane, where they feel able to do this safely. This is to:

- make them as visible as possible
- avoid being overtaken where this would be dangerous

People cycling turning right

The code now includes advice for people cycling using junctions where signs and markings tell them to turn right in 2 stages. These are:

- stage 1 - when the traffic lights turn green, go straight ahead to the location marked by a cycle symbol and turn arrow on the road, and then stop and wait
- stage 2 - when the traffic lights on the far side of the junction (now facing the people cycling) turn green, complete the manoeuvre

People cycling have priority when going straight ahead at junctions

The code clarifies that when people cycling are going straight ahead at a junction, they have priority over traffic waiting to turn into or out of a side road, unless road signs or markings indicate otherwise.

People cycling are asked to watch out for people driving intending to turn across their path, as people driving ahead may not be able to see them.

Read the updated rules

- [Rule H2 \(Introduction\)](#)
- [Rule H3 \(Introduction\)](#)
- [Rule 73 \(Rules for cyclists\)](#)
- [Rule 74 \(Rules for cyclists\)](#)
- [Rule 75 \(Rules for cyclists\)](#)
- [Rule 76 \(Rules for cyclists\)](#)
- [Rule 167 \(Using the road\)](#)
- [Rule 170 \(Using the road\)](#)
- [Rule 211 \(Road users requiring extra care\)](#)

7. People cycling, riding a horse and driving horse-drawn vehicles on roundabouts



The code has been updated to clarify that people driving or riding a motorcycle should give priority to people cycling on roundabouts. The new guidance will say people driving and or riding a motorcycle should:

- not attempt to overtake people cycling within that person's lane
- allow people cycling to move across their path as they travel around the roundabout

The code already explained that people cycling, riding a horse and driving a horse-drawn vehicle may stay in the left-hand lane of a roundabout when they intend to continue across or around the roundabout.

Guidance has been added to explain that people driving should take extra care when entering a roundabout to make sure they do not cut across people cycling, riding a horse or driving a horse-drawn vehicle who are continuing around the roundabout in the left-hand lane.

Read the updated rules

- [Rule 79 \(Rules for cyclists\)](#)
- [Rule 167 \(Using the road\)](#)
- [Rule 186 \(Using the road\)](#)

8. Parking, charging and leaving vehicles



The code recommends a new technique when leaving vehicles. It's sometimes called the 'Dutch Reach'.

Where people driving or passengers in a vehicle are able to do so, they should open the door using their hand on the opposite side to the door they are opening. For example, using their left hand to open a door on their right-hand side.

This will make them turn their head to look over their shoulder behind them. They're then less likely to cause injury to:

- people cycling or riding a motorcycle passing on the road
- people on the pavement

Using an electric vehicle charge point

For the first time, the code includes guidance about using electric vehicle charging points.

When using one, people should:

- park close to the charge point and avoid creating a trip hazard for people walking from trailing cables
- display a warning sign if you can
- return charging cables and connectors neatly to minimise the danger to other people and avoid creating an obstacle for other road users

Read the updated rule

- [Rule 239 \(Waiting and parking\)](#)

Find out about all the changes

In total, 10 sections of The Highway Code have been updated, with 50 rules being added or updated.

You can find a summary of all the changes in [The Highway Code updates list](#) on GOV.UK.

Stay up to date

The Highway Code is essential reading for everyone. It's updated regularly, so it's important that everyone reads it - not just learner drivers.

Many of the rules in the code are legal requirements, and if you disobey these rules you're committing a criminal offence.

If you do not follow the other rules in the code, it can be used in evidence in court proceedings to establish liability.

You can:

- [read the full updated version of The Highway Code](#), free of charge, on GOV.UK now
- [order an updated copy of The Highway Code book](#) online now - it costs £4.99
- buy an updated copy of The Highway Code book at most high street bookshops

The book has a new cover design so it's easy to recognise.




Appendix 5 - Highways Act 1980, Section 119 – Diversion of a public right of way

Introduction - Highways Act 1980

telford.gov.uk/info/20467/public_rights_of_way/3379/highways_act_1980_section_119_-_diversion_of_a_public_right_of_way

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Home > Roadworks, transport and streets > Travel Telford > Public rights of way > Highways Act 1980, Section 119 – Diversion of a public right of way

Public rights of way

Definitive Map

Highways Act 1980, Section 118 - Extinguishment of a public right of way

Highways Act 1980, Section 119 – Diversion of a public right of way

Local Access Forum (LAF)

Public Rights of Way

Public rights of way news

Rights of Way enquiries

Town and Country Planning Act 1990, Section 257 – Diversion or extinguishment of a public right of way

Highways Act 1980, Section 119 – Diversion of a public right of way

Introduction **Contact**

An application may be made under the Highways Act 1980, S119 to divert a footpath, bridleway or restricted byway if it can be shown that by doing so it is beneficial to the land owner, lessee or occupier of the land crossed by the right of way and the public.

How to Apply:

An application can be made by submitting a S119 application form and a scale 1:2500 map. [Download the S119 application form to apply.](#)

Copies of maps can be obtained by contacting 01952 384555. A small fee is payable. Details are available upon request.

Please view the information in the sections below to help make the application process quicker.

Prior to submission


- Completing your application form
- Application map
- Works required to bring the new path or way into a fit condition for use by the public
- Important information you need to consider making an application under the Highways Act 1990, S119
- Criteria to be considered when determining if the proposed route is a suitable alternative to the existing definitive route

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Appendix 6 - Planning Resource - Equestrian safety fears block quarry restoration, quarry rejected due to proximity to horses and equestrian centre in Leicestershire.



Appeal Decision

Site visit made on 28 January 2020

by **R Norman BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 May 2020

Appeal Ref: APP/M2460/W/19/3239442

Barrow Hill Quarry, Mill Lane, Earl Shilton LE9 7AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Miller, Earl Shilton Recycling Limited against the decision of Leicestershire County Council.
 - The application Ref 2016/CM/0302LCC (2016/1119/04), dated 23 November 2016, was refused by notice dated 18 April 2019.
 - The development proposed is the restoration of the former Barrow Hill Quarry to agricultural use with inert waste and soils, including inert waste recycling and temporary passing bays on Mill Lane.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the Council determined the application the new Leicestershire Minerals and Waste Local Plan was adopted on 25 September 2019. This has replaced the Leicestershire Minerals Core Strategy and Development Control Policies, the Leicestershire and Leicester Waste Core Strategy and Development Control Policies and the Leicestershire, Leicester and Rutland Waste Local Plan 1995 – 2006 in their entirety. I have therefore considered the appeal proposal against the relevant newly adopted policies.

Main Issues

3. The main issues are the effect of the development on:
 - Highway safety; and
 - The living conditions of nearby occupiers.

Reasons

Highway Safety

4. The appeal site comprises a former quarry. It is located within the countryside and is accessed via Mill Lane. To the south of the site is the M69. The proposal would restore the northern part of the quarry for agricultural use involving the importation of inert waste and soils and inert waste recycling. The importation would be carried out over a temporary period totalling 4 years with the site then being used for agricultural purposes.

<https://www.gov.uk/planning-inspectorate>

5. Access to the appeal site would be taken from Mill Lane only. Mill Lane is in poor condition in a number of places along its length between its junction with the A47 and the appeal site. It has been indicated that the proposed development would result in a maximum of 50 HGV movements per day, Mondays to Fridays, comprising of 25 trips to the site and 25 back out. The Council states that this would equate to approximately one HGV movement every 6.5 minutes during the working hours of the appeal site however the Appellant advises that typically there would be no more than four to five trips per hour.
6. The proposed development would involve the provision of passing bays along Mill Lane and other localised improvements to the surface of the access road. However, Mill Lane ranges in width from 3 to 4 metres which is essentially a single-track road. The provision of the passing bays would still leave stretches of the road with severely limited width. Mill Lane is currently lightly trafficked, and the presence of the nearby public footpaths and the equestrian centre at Mirfield Farm means that it is used by pedestrians, cyclists and horse riders. The limited width of the carriageway, the existing bends which have poor forward visibility and the size and proposed frequency of the vehicles would significantly alter the nature and use of Mill Lane. Based on the information before me relating to these matters I find it reasonable to conclude that there would be a high probability of recreational users meeting HGVs along the road, even with four to five trips per hour which is a significant increase over the existing use, and as a result of the limited width of Mill Lane I find that this could be likely to result in highway safety issues.
7. I have carefully considered the information provided within the Transport Assessment. The information provided in support of the proposed development is somewhat limited in its specific considerations of the potential for conflict between large vehicles and recreational users of the lane. As such, based on the evidence before me, it has not been adequately demonstrated that the use of Mill Lane by HGVs in relation to the development would not give rise to severe harm in terms of the safety for other users of Mill Lane.
8. I have considered the comments from the British Horse Society (BHS) and the accident data provided showing no accidents on Mill Lane. However, this is lightly trafficked at present which would therefore not be likely to give rise to a high number of accidents. The proposed development would fundamentally alter the use of Mill Lane which would give rise to a significant increase in the potential for highway safety issues. Furthermore, the BHS do highlight the behaviours of the breeds of horses stabled at Mirfield Farm raising concern over the potential for injuries to the horses and safety concerns.
9. I acknowledge that the proposal was initially recommended for approval by the Council subject to conditions and I note the consideration of alternative access routes. Nevertheless, for the above reasons I find that it has not been adequately demonstrated that the proposal would not give rise to adverse issues relating to the use of Mill Lane as a result of the potential frequency and size of vehicles and conflict with other users or that the proposed improvements to Mill Lane would overcome these safety concerns.
10. The development would therefore fail to comply with Policy DM9 of the Leicestershire Minerals and Waste Local Plan (2019) (LMWLP) which requires minerals and waste development involving transportation of material by road to

demonstrate that the access arrangements would be safe and appropriate, would have an acceptable impact on the environment of local residents and would not result in unnecessary impacts on minor roads, amongst other things. Whilst paragraphs 204 and 205 of the National Planning Policy Framework (2019) give support to the benefits of mineral extraction and the sustainable use of minerals, it also requires that there are no unacceptable adverse impacts on human health, amongst other things. As such, the proposed development would also conflict with the Framework in this regard.

Living Conditions

11. The nearest properties to the appeal site are Mirfield Farm which is an equestrian centre and the dwelling at Yennards Farm. Both properties are located a reasonable distance from the appeal site itself to have minimal disruption from the on-site works to facilitate the restoration and subsequent agricultural use. However, Mirfield Farm is located directly adjacent to Mill Lane and the proposed access to the appeal site for HGVs. Mirfield Farm also utilises Mill Lane for access. From my site visit it was apparent that some of the paddocks and stabling areas for the horses at this site were located in proximity to Mill Lane.
12. The Appellant has carried out a Noise Impact Assessment. This has assessed the highest noise levels from the restoration activities on the nearest sensitive receptors and has included vehicle movements. It identifies secondary noise sources as being movements of HGVs to and from the site along the access road. The predicted traffic noise increase along the access road has been assessed as being negligible to minor.
13. Whilst I do not dispute that works at the quarry itself would be unlikely to result in harmful noise impacts on the nearby properties, I have had regard to the proximity of Mill Lane to Mirfield Farm and the potential number of HGVs using this as access. At present, Mill Lane is very lightly trafficked, and the main users are pedestrians, horse riders and cyclists wishing to access the nearby public footpaths. The introduction of a number of HGVs travelling along Mill Lane would substantially alter the nature and character of the road and its surroundings.
14. From the information before me it is not wholly clear whether the assessment carried out relates to vehicle noise in terms of engines only or if it has taken into consideration the general noise from HGVs travelling over uneven surfaces. In addition, whilst the assessment concludes that the noise increase of using Mill Lane would be negligible to minor, I have had regard to the duration and frequency of the noise from HGVs running in proximity to Mirfield Farm in particular. Whilst part of Mill Lane from the A47 to Mirfield Farm is tarmac, the quality of the road surface deteriorates beyond this which would still have the potential to cause additional noise and disturbance from heavy lorries. I note the Department of Transport Guidance however in this case given the potential level of intensification of use by large vehicles, I find that the evidence before me does not sufficiently demonstrate that there would not be harm arising from the use of this access in relation to all related HGV noise and frequency throughout the day.
15. I have considered the proposed installation of acoustic fencing along Mill Lane outside of Mirfield Farm which could be secured by condition and a Section 278 Highways Agreement. However, I have limited details to demonstrate that this

would sufficiently mitigate the noise effects on the occupiers and horses located at Mirfield Farm.

16. Consequently, I am unable to conclude that the proposed development would comply with Policy DM2 of the LMWLP, insofar as it relates to the need to demonstrate that minerals and waste development would be acceptable in terms of potential effects from noise to adjoining land uses and users, amongst other things.

Other Matters

17. The Appellant has identified that the principle of the proposed development is supported by national and local waste and minerals planning policy and that there is a need for the proposal. However, the Council have highlighted that following the adoption of the new minerals and waste local plan, another large scale, long term inert waste landfill site has been approved. Furthermore, the Council have identified other available sites and another site which would serve a similar catchment to the proposed development. The Appellant has identified reasons why these would not be wholly comparable to the appeal proposal. Notwithstanding the parties' views on Policy interpretation relating to Policy W8, and policies W4 and W5, had I found there to be a demonstrated need for this development, this would not have been sufficient to outweigh the harm arising in terms of noise and disturbance and highway safety as identified above.
18. The Appellant has identified benefits that would arise from the proposed development which include enhancing the local environment, ensuring that the site would respond visually to the surrounding character and the support it would provide to the local economy. I have considered these points however, taken collectively, I do not find that these benefits would be so great as to outweigh the harms I have identified above.
19. Local objections have been received concerning, in addition to the above matters, issues of the provision of wheel washing facilities, limits to vehicle sizes and other concerns over adverse impacts on Mirfield Farm. However, given my findings above it is not necessary for me to reach a conclusion on these matters as they would not alter the overall outcome of the appeal.

Conclusion

20. For the reasons given above, and having carefully considered all matters raised, I conclude that the appeal should be dismissed.

R Norman

INSPECTOR

Appendix 7 – BHS Objection to the Public Inquiry submitted in May 2024 but not received by PINS

Patron Her Majesty The Queen

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Bringing Horses and People Together

Helen Skinner
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

20 May 2024

Dear PINS

Re: APP/E1855/W/22/3310099

The comments below are from the British Horse Society however our volunteers in the county may also respond at a local level. The BHS previously submitted a neutral response to the application. The BHS has recently revisited the site to understand the objections from local equestrians to the plans in relation to access.

The British Horse Society is the UK's largest equestrian Charity, representing the UK's 3 million horse riders. Nationally equestrians have just 22% of the rights of way network – **only 15.3% in Worcestershire** - and are increasingly forced to use busy roads to access them.

Between 01.01.2023 – 31.12.2023 the BHS received reports in Worcestershire of 55 incidents on the road involving horses with one horse fatality.

This illustrates the importance of protecting, improving and extending safe off-road provision to prevent these numbers from increasing in the future. The NPPF para 104 states: *Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.*

There are 1001 horse registered to the DY10 postcode area (DEFRA, 2021). £6,887 per horse (BETA, 2023) is contributed to the economy benefitting local economies where equestrian activities thrive. This equates to a total of £6,893,887 contribution to the economy per annum. There are riding centres and livery yards in the area creating employment and using equine services (vet, farrier, feed, instructors, etc) as well as using the roads and off-road network in the vicinity.

The bridleway network, used by all vulnerable road users including equestrians, cyclists, pedestrians, pushchairs, wheelchair users and mobility scooter users in this area is fragmented. There is limited access for equestrians unless they ride/lead/drive on the roads.

The BHS would like to raise the following points:

- *How will the design protect and enhance the existing public bridleways and ensure they remain accessible during the project lifetime?*

The British Horse Society is an Appointed Representative of South Essex Insurance Brokers Limited who are authorised and regulated by the Financial Conduct Authority.

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Public Bridleways Wolverley and Cookley 625B and 626B provide a valued link to access quieter lanes and the wider bridleway network. The Lea Castle Quarry proposals indicate that a conveyor belt would be located under bridleway WC 626B. Sudden movement, noise and continuous levels of noise can be a hazard for equestrians as horses are flight animals, therefore these hazards should be located away from the highway to avoid a psychological obstruction.

- *How would risks on the highway during the construction period be managed?*

The proposed access is from B4189 Wolverley Road. How would risks to horse riders, wheelers and pedestrians – all vulnerable road users – be mitigated? Construction and production will include HGV return journeys and therefore impact on the volume of traffic on the road network locally and within the site across the bridleway; the application document <https://e-planning.worcestershire.gov.uk/swift/MediaTemp/989-21905.pdf> describes the bridleway as the internal access road. Already mainly 60mph roads, the additional traffic and the added complication of vehicles regularly turning into the access road will make the road higher risk for vulnerable road users in the absence of speed restrictions or other traffic calming measures. The traffic could also damage the highway surface including the verge making it uneven for horses and limiting refuge available. Movement of the construction and production traffic – 154 movements per working day - will coincide with times that equestrians are active on the bridleways (evenings and Saturdays particularly) and local highways network to reach the off-road routes.

HGV's are generally 2.5m wide and 4.5m high (some vehicles for component transportation significantly larger) which, on the road network local to the site, would sandwich a horse and rider between the vehicle and the extent of the highway with little room for refuge which may cause panic. The Highway Code Rule 163 advises a distance of 2m to be maintained between horses and vehicles when passing on the highway.

- *Will proposed community benefits mitigate the impact of the quarry?*

Whilst adding to the length of the bridleway network, the upgrade to footpaths suggested as mitigation raise some concerns with equestrians. Width needs to be considered if the routes were to be between bunds; again, as prey animals, horses may react to narrow, enclosed spaces. Footpath Wolverley and Cookley 624 ends at Lea Lane although currently a steep flight of steps is the only access which for wheelers, equestrians and those with mobility issues would be impassable. Footpath Wolverley and Cookley 622 exits onto the footway at Wolverley Road where currently sightlines are limited.

The BHS has further information for reference available here: <https://www.bhs.org.uk/advice-and-information/free-leaflets-and-advice> .

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