

Re-Determined Appeal

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

Agreed Note on EIA Consultation Requirements

1. As requested by the Inspector, this joint note has been agreed between the Appellant and Worcestershire County Council (“WCC”).
2. Under regulation 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (“2017 EIA Regs),

“any other information” means any other substantive information relating to the environmental statement and provided by the applicant or the appellant as the case may be;

3. It is agreed that the ES Addendum dated July 2024 and associated plans and documents (CD15.01 to CD15.24) (the “documents”) fall within this definition of “any other information”.
4. Under regulation 25(2) of the 2017 EIA Regs, paragraphs (3) to (11) of regulation 25 apply “in relation any other information except in so far as [...] any other information is provided for the purposes of an inquiry or hearing held under the Act [...]”.
5. Save in respect of the matters set out below in relation to regulation 25(3)(g) and (i), it is agreed that the requirements of regulation 25(3) relating to the publication of

details in a local newspaper were met by the publication of the attached notice in the Kidderminster Shuttle newspaper on 1 August 2024.

6. On the basis of what is set out below, there was not strict compliance with paragraphs (g) and (i) of regulation 25(3). Notwithstanding this, it is agreed that there was substantive compliance with regulation 25(3) as a whole.
7. Regulation 25(3)(g), provides that the notice in the local newspaper is required to include “*an address in the locality in which the land is situated at which the further information or any other information may be inspected and the latest date on which it will be available for inspection (being a date not less than 30 days later than the date on which the notice is published)*”.
8. The notice only included a web address and not a physical address in the locality in which to inspect the documents. However, it is agreed that there was separate advertisement of two public consultation events that were held in the locality where the documents could be viewed.
9. Regulation 25(3)(i) provides that the notice in the local newspaper is required to include “*an address (whether or not the same as that given pursuant to subparagraph (g)) in the locality in which the land is situated at which copies of the further information or any other information may be obtained.*”
10. The notice did provide an address at which copies of the documents could be obtained, although this was in Warwickshire, approximately 44 miles from Kidderminster.
11. It is agreed that all remaining applicable requirements of regulation 25 (in particular, paragraphs (4), (5) and (9)) have been met by the following:

- WCC uploaded the documents on the dedicated appeal webpage and on the planning application webpage, with summary of the consultation and deadlines, including the dates and location of the Public Consultation events;
- WCC sent a notification letter including links to the above webpages where all the documents are hosted (example at rPOE2.12, p.152 to 153) to all consultees who were consulted on the planning application and notified of the appeal;
- The consultation ran for over 30 days from 5 August 2024 to 6 September 2024;
- The documents were sent to PINS (the Inspector appointed by the Secretary of State);

12. There are no outstanding requirements under the 2017 EIA Regs.

**The Town and Country Planning
(Environmental Impact Assessment)
Regulations 2017.**

**Submission of Further Information in
respect of the Environmental Statement
Appeal by NRS Aggregates Limited**

Site Address: **Land at Lea Castle Farm,
Wolverley Road, Broadwaters,
Kidderminster, Worcestershire.**

Appeal Reference: **APP/E1855/W/22/3310099.**

NRS Aggregates Ltd have Appealed against the refusal of Planning Application **19/000053/CM** by Worcestershire County Council for **Proposed sand and gravel quarry with progressive restoration using site derived and imported inert material to agricultural parkland, public access and nature enhancement.** The application which was submitted to the Council in January 2020 was refused by Worcestershire County Council on 27th May 2022 and an Appeal against the refusal was dismissed on 5th May 2023. This Appeal decision was subsequently quashed following the High Court Judgment issued on 16th November 2023.

Following the quashing of that Appeal decision, the Appeal is now being re-determined. As part of the re-determination, the Appellant is submitting information relating to the change to the proposed mineral processing plant to one of a smaller size, and with a reduced operational acoustic volume, compared to that proposed and assessed within the original application scheme. This has allowed for the reduction in the number, height and / or duration of temporary soil storage / screening bunds and minimising the time when quarry operational land is required.

Members of the public may inspect electronic copies of the further Information online on Worcestershire County Council's Planning website: www.worcestershire.gov.uk/eplanning using application reference: 19/000053/CM, from 5th August 2024 until 6th September 2024 (when searching by application reference, please ensure that the full application reference number, including the suffix are entered into the search field). Documents are also able to be viewed at: www.worcestershire.gov.uk/leacastlequarry.

Should you wish to comment on the above planning application / further information, you can send them by email (Email: aldermill@aldermill.co.uk) or post (Alder Mill Enterprise Ltd, Unit 6a, Alder Mill Business Park, Sheepy Road, Atherstone, Warwickshire, CV9 3AH). Please ensure comments are received before 6th September 2024. Please ensure comments are received before 31 August 2024.

Copies of the Further Information can be obtained from Alder Mill Enterprise Ltd, Unit 6a, Alder Mill Business Park, Sheepy Road, Atherstone, Warwickshire, CV9 3AH; aldermill@aldermill.co.uk at a cost of £100.00 for a paper copy, or on USB flash drive at a cost of £20.00.