

Cotswolds Conservation Board
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28th September 2018

Linda Townsend
Senior Planner
Gloucestershire County Council

By email to Linda.Townsend@gloucestershire.gov.uk

Dear Ms Townsend

18/0010/CWMAJM. Retrospective variation of conditions at Oathill Quarry, Temple Guiting, Gloucestershire

I am writing to inform you that the Cotswolds Conservation Board ('the Board') **OBJECTS** to planning application 18/0010/CWMAJM.

The reason for this objection is the significant adverse effect that the proposed development would have – and is already having through non-compliance with the current planning permission - on the Cotswolds Area of Outstanding Natural Beauty (AONB). In particular, we object to the significant adverse effect that the proposed development would have on the 'tranquillity' of the AONB.

Further details of the Board's objection are provided in Annex 1, below.

Yours sincerely,



John Mills MRTPI
Planning and Landscape Officer

Conserving, enhancing, understanding and enjoying the Cotswolds Area of Outstanding Natural Beauty

ANNEX 1. The comments of the Cotswolds Conservation Board relating to planning application 18/0010/CWMAJM (Oathill Quarry)

1.0 SUMMARY

- 1.1 The Cotswolds Conservation Board ('the Board') **OBJECTS** to planning application 18/0010/CWMAJM, relating to the proposed increase in output at Oathill Quarry.
- 1.2 The reason for this objection is that the three-fold (300%) increase in HGV movements that would result from the proposed planning condition variations (compared to the currently permitted HGV movements) would have a significant adverse impact on the Cotswolds Area of Outstanding Natural Beauty (AONB). In particular, the proposal would have a significant adverse impact on the 'tranquillity'¹ of the AONB, which is one of the AONB's 'special qualities'².
- 1.3 The proposal would constitute major development under paragraph 172 of the National Planning Policy Framework. As such, the applicant should be required to demonstrate, inter alia, that non-AONB sources of mineral supply are not practically available. In addition, the proposal does not comply with the policies of the draft Minerals Local Plan for Gloucestershire and does not have regard to the policies of the Cotswolds AONB Management Plan or the Board's Position Statements.
- 1.4 Given that the proposed development relates to a quarry within an AONB and is considered, by the Board, to have a significant adverse impact on the Cotswolds AONB, the Board recommends that an Environmental Impact Assessment (EIA) should be undertaken by the applicant. This EIA should assess, inter alia, the cumulative impact of this development in combination with the impact of other quarries in the local area, including the cumulative impacts of HGV movements.
- 1.5 It should be noted that the applicant is already contravening the planning conditions imposed on this development, which constitutes a breach of planning control against which enforcement action can be taken. Appropriate enforcement action should therefore be taken to ensure that the applicant complies with the current planning conditions and does not contravene these planning conditions in future.

2.0 TRANQUILLITY IN THE CONTEXT OF THE COTSWOLDS AONB

- 2.1 Tranquillity is one of the 'special qualities' of the Cotswolds AONB. It is also one of the 'natural beauty' criteria that are taken into consideration by Natural England when designating AONBs. It is, therefore, an important consideration when having regard to the statutory purpose of AONB designation (i.e. conserving and enhancing the natural beauty of the AONB).
- 2.2 In 2007, the Campaign to Protect Rural England (CPRE) published a 'tranquillity map' which showed comparative levels of tranquillity for England³. The Board has produced a version of this tranquillity map specifically for the Cotswolds AONB⁴.

¹ Tranquillity is essentially the absence of inappropriate noise, development, visual clutter and pollution – a feeling of being away from it all.

² The 'special qualities' of an AONB are those aspects of the area's natural beauty which make the area distinctive and which are valuable, especially at a national scale.

³ <http://www.cpre.org.uk/resources/countryside/tranquil-places/item/1839->

⁴ Cotswolds Conservation Board. *Cotswolds Conservation Board Position Statement – Tranquillity and Dark Skies. Appendix 2.* <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/08/tranquillity-ps-appendix-2-tranquillity.pdf>

What is clear from this map is that the Cotswolds AONB is a stronghold for tranquillity in this part of England, especially when compared to the surrounding urban areas. The map shows that the AONB in the vicinity of Temple Guiting has a particularly high level of tranquillity (as of 2007).

3.0 THE IMPACT OF THE PROPOSED DEVELOPMENT ON THE TRANQUILLITY OF THE COTSWOLDS AONB

- 3.1 The applicant's Transport Statement concludes that '*the increase in output proposed through this application to vary Condition 7 does not result in a significant increase in output at the quarry*'. However, this is based on the existing operational output of the quarry, which is already well in excess of the current planning conditions. For example, in 2017, there were 52 HGV movements per day, whereas the current planning conditions equate to a maximum of 20 HGV movements per day. As such, the Transport Statement is being very misleading by implying that proposed development would not result in a significant increase in output.
- 3.2 The comparison that *should* be made is to compare the output and HGV movements that would be permitted in the proposed condition variations with the output and HGV movements that are currently permitted. When considered on this basis, **the proposed planning condition variations represent a threefold (300%) increase in output and HGV movements**, from 20 HGV movements per day⁵ to 58 HGV movements per day⁶. When compared with the output that was permitted prior to 2013, the proposed condition variations represent a 450% increase in output and associated HGV movements.
- 3.3 The applicant's Transport Statement fails to provide a figure for the total number of HGV movements that would occur on the B4077 if the quarry operated within its current planning conditions (i.e. 20 HGV movements per day into / out of the quarry). From the data provided in Tables 3.2 and 3.3 of the Transport Statement, it can be extrapolated that there are approximately 156 HGV movements per day on the B4077 adjacent to Oathill Quarry. Approximately 52 of these HGV movements relate to HGV movements into / out of the quarry (based on the 2017 figure provided in Table 4.2 of the Transport Statement). If the quarry was complying with the planning condition of only having 20 HGV movements per day into / out of the quarry, the total number of HGV movements on the B4077 would be reduced by 32 to approximately 124. In contrast, the proposed planning condition variations would allow for up to 58 HGV movements per day, which would increase the total number of HGV movements on the B4077 to 162. On this basis, **the proposed planning condition variations would lead to a 31% increase in the total number of HGV movements per day on the B4077**.
- 3.4 Given the relatively minor status of the roads that would be used by the HGV movements and the small size of the villages that the HGVs would pass through, **the Board considers that the threefold increase in HGV movements per day (and the associated 31% increase in HGV movements on the B4077) would have a significant adverse impact on the tranquillity of the AONB**. This opinion is reflected in the comments of the Highways Development Management team at Gloucestershire County Council, which identified that '*the increase in [HGV] flows*

⁵ Table 4.3 of the applicant's Transport Statement

⁶ Table 5.1 of the applicant's Transport Statement

would be material (i.e. users of the highway will recognise the increase due to additional noise, dust and inconvenience)'.

4.0 LEGAL / POLICY CONTEXT

4.1.1 Environmental Impact Assessment (EIA)

4.1.2 The Board disagrees with the County Council's Screening Opinion, dated 22 February 2018, which states that:

- *'The proposal ... is not ... considered to be so significant as to warrant the production of an EIA.*
- *The increase in HGV movements is not considered to have a significant or adverse impact on the traffic flows along the B4077 or the environmental designation of the Cotswolds Area of Outstanding Natural Beauty.*
- *The proposal is considered to benefit the designation of the Cotswolds AONB in that it enables the completion and restoration of a mineral site 16 years earlier than anticipated.'*

4.1.2 As indicated above, the Board considers that the proposal *would* have a significant adverse impact on the Cotswolds AONB, primarily due to the three-fold (300%) increase in HGV movements and the associated 31% increase in HGV movements on the B4077, when compared to the currently permitted baseline. Given that the proposal relates to a change to a Schedule 2 activity (i.e. a quarry), is located in a sensitive location (i.e. the Cotswolds AONB) and is considered, by the Board, to have a significant adverse impact, **the Board recommends that an EIA should be undertaken.**

4.1.3 The Board acknowledges that the earlier completion and restoration of the quarry could potentially have some benefits for landscape character, visual impact and biodiversity during the period 2035 to 2051 (i.e. the period between the proposed completion date and the current completion date). However, in the longer term (i.e. beyond 2051), the proposed earlier completion would not have any significant benefits.

4.1.4 In theory, the proposal would result in associated HGV movements ending at an earlier date than in the current permission. However, the Board considers that the significant increase in HGV movements up to 2035 (compared to the permitted baseline), as proposed in the planning application, would significantly outweigh the shorter timescales. In any case, there is no guarantee that quarry—related HGV movements in the local area would decrease, after 2035, as a result of the proposed planning condition variations. For example, the applicant may seek to extend the life of the quarry at a later date. In addition, once Oathill Quarry is completed, other quarries (and associated HGV movements) may be required in the local area in order to continue the supply of quarry products in the longer term.

4.1.5 When screening Schedule 2 projects, the local planning authority must take account of the selection criteria in Schedule 3 of the EIA Regulations⁷. Schedule 3 states that consideration should be given to *'cumulation with other existing development and / or approved development'*⁸. The Screening Opinion does not appear to have explicitly addressed this issue, which is a considerable oversight given that there are five

⁷ The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

⁸ Paragraphs 1(b) and 3(g) of Schedule 3.

working quarries in Temple Guiting parish alone, with many more quarries in neighbouring parishes of Guiting Power and Naunton⁹. If an EIA is undertaken, it should undertake an assessment of the cumulative impact of all of these quarry operations, particularly with regards to the number and impact of HGV movements on local roads and through villages, in line with Schedule 4 of the EIA Regulations¹⁰.

4.2 National Planning Policy Framework

- 4.2.1 The Board is of the opinion that the proposed development constitutes major development in the context of paragraph 172 of the National Planning Policy Framework (NPPF), based on the nature, the setting and (in particular) the scale of the proposal and the significant adverse impact that the proposal would have on the AONB. As such, **the Board recommends that the applicant should undertake the major development assessments specified in paragraph 172.**
- 4.2.2 These assessments should include, inter alia, an assessment of the need for the proposal (i.e. the threefold increase in output from the currently permitted baseline) and the scope for meeting the need in some other way. Consideration should be given to whether or not the end use of the quarried material specifically requires material that is extracted in the Cotswolds AONB or if the end use could be catered for by material that is extracted outside the AONB.
- 4.2.3 The Board acknowledges that provision should be made for the quarrying of limestone in the AONB, at an appropriate scale, where this helps to maintain and enhance local distinctiveness in the AONB (e.g. through the appropriate use of the limestone in new buildings and in the restoration of historic buildings in the AONB). The major development assessment should identify how much of the stone that is extracted at Oathill Quarry is used for this purpose.
- 4.2.4 If, following these assessments, the applicant cannot demonstrate exceptional circumstances or that the development is in the public interest, planning permission should be refused.

4.3 Minerals Local Plan for Gloucestershire

- 4.3.1 Although the emerging Minerals Local Plan (MLP) for Gloucestershire is not yet adopted, the adopted version of this Plan will be in place for the majority of the lifetime of Oathill Quarry. Therefore, in order to 'futureproof' the proposal, it should be considered in the context of the policies of the draft MLP.
- 4.3.2 Policy DM01 (Amenity) of the draft MLP states that:
- *Minerals development proposals will be permitted only where it can be demonstrated that unacceptable adverse impacts on the amenity of local communities ... by means of noise, air pollution, vibration and visual intrusion, can be avoided and / or satisfactorily mitigated.*
- 4.3.3 For the reasons outlined above, the Board is of the opinion that the proposal does not comply with Policy DM10.
- 4.3.4 Policy DM02 (Cumulative Impact) states that:

⁹ Data taken from the planning application consultation response submitted by Temple Guiting Parish Council.

¹⁰ Paragraph 5(a) of Schedule 4.

- Minerals development proposals will be permitted where it can be demonstrated unacceptable cumulative impacts will not be generated from:
 - Within the mineral site for which a proposal is located; and / or
 - A number of minerals and non-mineral developments being concentrated in a locality.
- 4.3.5 The planning applications does not address the cumulative impacts of the proposal, in combination with the impacts of the other quarries - and associated HGV movements - in the vicinity. As indicated above, these impacts are likely to be significant and, therefore, unacceptable. As such, the Board is of the opinion that the proposal does not comply with Policy DM02.
- 4.3.6 Policy DM09 (Landscape) addresses similar points to paragraph 172 of the NPPF and the associated major development assessments. If the applicant cannot demonstrate that alternative non-AONB sources of mineral supply are not practically available, the development should not be permitted.
- 4.3.7 In addition, Policy DM09 states that proposals will only be permitted where they can demonstrate that adverse impacts on the special qualities of the AONB can be avoided and / or satisfactorily mitigated. As indicated above, it is the Board's opinion that the proposal *would* have adverse impacts in the special qualities of the AONB (in particular, the tranquillity of the AONB). As such the proposal does not comply with Policy DM09.

4.4 Cotswolds AONB Management Plan & Cotswolds Conservation Board Positions Statements

- 4.4.1 The Cotswolds AONB Management Plan should be a material consideration in planning decisions. The Management Plan identifies tranquillity as one of the special qualities of the AONB.
- 4.4.2 The Management Plan for the period 2013-2018 states, in Policy DTPI, that '*development should ... have regard to the impact on tranquillity*'. The Board has recently adopted a new AONB Management Plan for the period 2018-2023¹¹, which sets out a policy (Policy CE4), specifically on tranquillity. Policy CE4 promotes measures to avoid and minimise adverse impacts on tranquillity and to enhance tranquillity. Given that the proposal would have a significant adverse impact on tranquillity, it would be contrary to the policies of the Management Plan
- 4.4.3 The Board sets out a series of Position Statements which should also be a material consideration in planning decisions. The Board's Position Statement on Tranquillity and Dark Skies¹² states that '*the Board will oppose any development proposals which will lead to a significant increase in noise pollution ... or other loss of tranquillity, either individually or cumulatively, particularly within areas identified as being most tranquil.*' Given that the proposal would lead to a significant increase in noise pollution and loss of tranquillity (particularly in terms of the increase in HGV movements through local villages), it would be contrary to Board's Position Statement.

¹¹ Adopted 20th September 2018.

¹² Cotswolds Conservation Board. *Cotswolds Conservation Board Position Statement – Tranquillity and Dark Skies*. <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/tranquillity-and-dark-skies-nov-09-revised-oct-2010.pdf>