

10 August 2020

Dennis Canney
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Shire Hall
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By email only to planningdc@gloucestershire.gov.uk

Dear Mr Canney

18/0065/CWMAJM – Southern extension including revision to the consented working arrangements with restoration to a combination of agricultural, nature conservation and geological interest – Naunton Quarry, Naunton, Gloucestershire GL54 3BA

Thank you for consulting the Cotswolds Conservation Board ('the Board') on the above planning application and for extending the consultation deadline.

The proposed development is located in the Cotswolds Area of Outstanding Natural Beauty (AONB). The purpose of AONB designated is to conserve and enhance the natural beauty of the AONB. Whilst the Board recognises that the AONB is a living and working landscape, development in the AONB should be consistent with – and help to deliver – the purpose of AONB designation.

The Board objects to the proposed development, for the reasons outlined below, and recommends that it should not be granted planning permission.

The Board considers that the proposed development would constitute major development, in the context of paragraph 172 and footnote 55 of the National Planning Policy Framework (NPPF), by reason of its nature, scale, setting and potential to have significant adverse impacts on the purpose of AONB designation.

For example, the proposed development is a Schedule 1 development under the Environmental Impact Assessment (EIA) regulations and, as such, is automatically considered to be likely to have significant adverse environmental impacts. Also, in an AONB, quarrying for the primary purpose of aggregate production is not compatible with national and local level policies, such as the National Planning Policy Framework and the Cotswolds AONB Management Plan 2018-2023, respectively.

The starting point for such major development is a presumption against granting planning permission. For such development to be approved, it would need to be demonstrated that that exceptional circumstances apply *and* that the development would be in the public interest. However, the Board does not consider that these thresholds have been met.

For example, with regards to the need for the development and potential alternative options, the Board's analysis has identified that the County's requirement for the additional provision of aggregate to 2032 could potentially be met three times over by the other aggregate site allocations in the Minerals Local Plan for Gloucestershire, all of which would be extensions to existing quarries, without having to permit the proposed extension at Naunton Quarry.

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

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This analysis also demonstrates that, even if the expansion of Naunton Quarry is permitted, it does not necessarily require the extraction of 5.8 million tonnes (mt) at a rate of 500,000mt per annum over a period of 11+ years.

With regards to adverse impacts on the purpose of AONB designation, the Board's primary concern is the significant adverse impact on the tranquillity of the AONB, which is one of the AONB's special qualities. This impact primarily relates to the HGV movements that would be associated with the proposed development. The Board acknowledges that the number of HGV movements to / from Naunton Quarry would remain the same as in the current baseline. However, this does not necessarily make it acceptable to maintain the status quo. In fact, the Board considers that the current baseline is already having a significant adverse impact on the tranquillity of the AONB and on the amenity of local residents.

Naunton Quarry is the largest of the eight quarries that form a cluster within the vicinity of Buckle Street and the B4077. As the largest quarry in this cluster, Naunton Quarry also makes the biggest contribution to the cumulative, adverse impact of HGV movements across this cluster. In addition, it is important to compare the proposed development with a scenario in which planning permission is not granted. The proposed development would potentially double the number of HGV movements on local roads, compared to this scenario (i.e. a 100% increase). This is significantly higher than the 10% 'rule of thumb' threshold identified in the Board's Tranquillity Position Statement.

The Board is also concerned about the potential destruction of a valuable building stone resource that could occur as a result of the primary use of the limestone for aggregate. This could have significant implications for the local distinctiveness of the built environment of the AONB.

In addition, the Board considers that the proposed development would also have adverse impacts on landscape character and the historic environment, albeit not to a significant degree. We also consider that the applicant's Landscape and Visual Impact Assessment (LVIA) has potentially significantly underplayed the visual impacts of the proposed development. This is particularly the case with regards to the potential impacts of the proposed screening bunds on the characteristic, expansive, long distance views across the High Wold Plateau.

Without prejudice, if planning permission is granted, the Board recommends that consideration should be given to:

- significantly reducing the permitted annual output and HGV movements;
- increasing the proportion of the site that is restored to species-rich grassland;
- optimising the gradient of the slopes that would be periodically flooded in order to deliver maximum benefits for marginal, wetland habitat;
- providing some bare earth habitat for invertebrates;
- requiring the restoration scheme to deliver significant net-gains in biodiversity.

Further information relating to these issues is provided in Annex 1.

If you have any queries regarding the Board's response, please do get in touch,

Yours sincerely,

A handwritten signature in black ink that reads "John Mills". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

John Mills MRTPI
Planning and Landscape Officer

ANNEX 1. SUPPORTING INFORMATION FOR THE RESPONSE OF THE COTSWOLDS CONSERVATION BOARD TO PLANNING APPLICATION 18/00765/CWMAJM

MAJOR DEVELOPMENT

As stated in footnote 55 of the NPPF, *'whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined'*. In the context of the proposed development, the purpose for which the area (i.e. the Cotswolds Area of Outstanding Natural Beauty (AONB)) has been designated is to conserve and enhance the natural beauty of the AONB.

The Board considers that the proposed development should be considered to be major development, in this context, for the reasons outlined below.

Nature / Scale

As stated in the applicant's Environmental Statement (paragraph 1.3), dated September 2018, the proposed development falls under Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. This is because it is a quarry where the surface of the site exceeds 25 hectares (ha).

Schedule 1 development equates to Annex 1 development in the EIA Directive (85/337/EEC). The European Commission states that *'all projects listed in Annex I are considered as having significant effects on the environment and require an EIA'*.¹ Give that the proposed development is considered to be Schedule 1 development (and, therefore, *likely* to have significant adverse effects on the environment), it follows that it would also exceed the major development threshold of *'could have a significant adverse impact'*.

The NPPF, paragraph 205, states that *'in considering proposals for mineral extraction, minerals planning authorities should, as far as practical, provide for the maintenance of landbanks of non-energy minerals from outside AONBs'*. The proposed development would not be consistent with this aspect of the NPPF.

The Cotswolds AONB Management Plan 2018-2023² (Policy CE3) recognises that *'provision should be made for quarrying of limestone within the AONB, at an appropriate scale, in order to provide building materials that help to maintain and enhance the local distinctiveness of the AONB'*. However, as stated in Part 1 of the applications Environmental Statement Regulation 25 Addendum (paragraph 4.14), *'figures for the years 2016-2018 demonstrate that the building stone produced at Naunton Quarry accounted for less than 0.5% of the overall material exported from the site'*.

The Cotswolds AONB Management Plan 2018-2023 (Policy CE12) states that *'development in the Cotswolds AONB should be based on robust evidence of local need arising from within the AONB'*. This principle applies equally to quarrying as it does to other forms of development, such as housing.

Given that more than 99.5% of the material exported from the site is not for the purposes specified in Policy CE3, and is not based on need arising within the AONB, the proposed development is clearly not compatible with the AONB Management Plan in this regard. Indeed, it is highly likely that the proposed development's primary purpose of providing crushed rock aggregate would destroy a valuable building material resource.

¹ <https://ec.europa.eu/environment/eia/eia-legalcontext.htm>

² <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2018/12/Management-Plan-2018-23.pdf>

Furthermore, the Cotswolds AONB Landscape Strategy and Guidelines (LSG) (for example, Section 7.4) recommend that aggregates are only produced as a by-product of building stone. However, at Naunton Quarry, where approximately 90% of the output is aggregates and less than 0.5% of the output is for building stone, aggregate output exceeds building stone output more than 18-fold. This is completely at odds with the recommendations in the LSG.

The LSG also recommends applying a presumption against new large scale quarrying, particularly for aggregates. Again, the Naunton Quarry proposal is completely at odds with this recommendation.

Setting

The Cotswolds AONB Landscape Character Assessment³ identifies 19 landscape character types (LCTs) within the Cotswolds AONB, which are further divided into landscape character areas (LCAs). The proposed development lies within LCA 7C (High Wold - Cotswolds High Wold Plateau). The Cotswolds AONB Landscape Strategy and Guidelines states that this LCA *'retains a strong sense of remoteness and tranquillity contributing to its high sensitivity'*.

Appendix 2 of the Board's Tranquillity Position Statement⁴ provides extracts from the Campaign to Protect Rural England (CPRE) 'intrusion maps'. These maps show those areas that are most (and least) disturbed by noise and visual intrusion. The intrusion map for 2007 shows a cluster of yellow dots to the north-east of Cheltenham. This cluster of dots represents the cluster of quarries in the Buckle Street / B4077 area, including Naunton Quarry. This map demonstrates that the quarries are intrusive elements in what would otherwise be one of the largest contiguous blocks of 'undisturbed areas' in the Cotswolds AONB.

Similarly, Appendix 3 of the Board's Tranquillity Position Statement provides an extract of CPRE's 'tranquillity mapping' from 2006 (the most recent year that such mapping was undertaken). This map doesn't include areas of quarrying. However, what it does show is that – based on its distance from main roads, train lines, power cables, urban areas, etc. – the Buckle Street / B4077 area should, in theory, be one of the most tranquil areas in the whole of the AONB.

Given the high sensitivity of the LCA and the potential tranquillity of this locality, the Board considers that the proposed development should be considered to be major development in terms of its setting.

The Board acknowledges that the limestone quarries of the High Wold are identified as one of the LCA's key features / characteristics in the Cotswolds AONB Landscape Character Assessment. However, this is just a reflection of the current state of affairs, with regard to land use in this LCA, rather than an indication that such quarries are a desirable feature.

Potential to have a significant adverse impact on the purpose of AONB designation

Summary

The Board considers that:

³ <https://www.cotswoldsaonb.org.uk/our-landscape/landscape-character-assessment/>

⁴ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2019/06/Tranquillity-Position-Statement-FINAL-June-2019.pdf>

- The current level of output and HGV movements have a significant adverse impact on the tranquillity of the Cotswolds AONB. Maintaining the status quo, as proposed in this planning application, would continue these significant adverse impacts (both for this quarry, individually, and for the cluster of quarries, collectively) for the lifetime of the quarry extension.
- Even with the revised restoration scheme, the proposed development would still have an adverse impact on the landscape character of the AONB, albeit not to a significant degree.
- The applicant has potentially underplayed the adverse visual impacts of the proposed development, particularly with regards to the impact that the proposed screening bunds would have on views across the High Wold plateau.
- The proposed restoration scheme has the potential to deliver biodiversity benefits in the longer term.
- The proposed development would result in harm to the historic environment, albeit not to a significant degree (and mitigated, to some degree, by the revised restoration scheme).

The Board recommends that, if planning permission is granted, consideration should be given to:

- Significantly reducing the permitted annual output and HGV movements.
- Increasing the proportion of the site that is restored to species-rich / lowland calcareous grassland (ideally, the majority of the site).
- Optimising the gradient of the slopes that would be periodically flooded in order to deliver maximum benefits for marginal, wetland habitat.
- Providing some bare earth habitat for invertebrates.
- Requiring the restoration scheme to deliver significant (i.e. 20%+) net-gains in biodiversity.

Landscape impacts

The Board acknowledges that the proposed development is located in a heavily quarried part of the Cotswolds AONB. However, this does not necessarily make it acceptable to further extend Naunton Quarry, particularly given that the mineral extracted would not primarily be used to provide building materials that help maintain and enhance the local distinctiveness of the AONB. Indeed, it could be argued that the scale of quarrying within the area (both for Naunton Quarry, individually, and for the cluster of quarries in the vicinity of Buckle Street and the B4077, collectively) makes it even more important to retain the more desirable features of the High Wold landscape.

The land on which the proposed extension would be located currently reflects some of the key features for this landscape character area (LCA 7B High Wold (Cotswolds High Wold Plateau)). For example, it is a characteristic component of the:

- broad, elevated, gently undulating plateau;
- predominantly arable land use with some improved pasture / grass leys;
- large scale, regular fields mainly enclosed by dry stone walls, together with hedgerows.

The Board recognises that the currently proposed restoration scheme (as of December 2019) is a significant improvement on the original proposed restoration and would achieve a restoration landscape that is far more in keeping with that of the surrounding AONB. However, the proposed extension would still permanently and fundamentally change the landform across the 16.5ha of the extension area. For example, rather than the gently

undulating plateau landscape that currently exists, the proposed restoration would create a landform that is up to approximately 40m deeper than the current landform (i.e. 190m AOD instead of 230m AOD). The slopes on the southern side of the restored quarry would also still be much steeper than the current landform. In addition, a sizable waterbody, potentially covering several hectares would not be in keeping with the local landscape character (although the Board recognises that this waterbody is intended to be ephemeral).

On the other hand, the proposed extension would potentially allow the restoration of the overall quarry complex to achieve a landform that is more in keeping with the surrounding landscape than would potentially be achieved by restoring the currently permitted quarry on its own. For example, the larger total area potentially allows for gentler gradients than would otherwise be achieved. The proposed restoration would also allow for the re-creation of large scale, (fairly) regular fields enclosed by hedgerows.

The Board acknowledges that the proposed quarry extension would occupy a relatively small part of LCA 7B, which is one of the more expansive LCAs in the Cotswolds AONB. However, the Board does not consider that it would be appropriate to assess the landscape impacts of the scheme in the context of the entire area of LCA 7B (and certainly not in the context of the entire area of the AONB).

Relevant case law⁵ has identified that a more suitable basis for assessing landscape effects would be '*the site itself and the full extent of the wider landscape around it which the proposed development may influence in a significant manner*'. In this instance, the 'zone of significant visibility' (ZSV), identified in the applicant's Landscape and Visual Impact Assessment (LVIA) provides an appropriate area to consider. Within the context of this ZSV, a change to the landscape character of 16.5ha of land could potentially be significant.

It is worth noting that tranquillity is an integral component of landscape character. For the purposes of this consultation response, tranquillity will be addressed separately. However, it should be noted that significant adverse impacts on tranquillity would also equate to significant adverse impacts on landscape character.

Overall, the Board considers that the proposed extension would result in adverse impacts on the landscape character of the AONB, but not necessarily to the extent that these could be described as significant (in the context of the restoration of the overall quarry complex), except with regards to tranquillity and local distinctiveness.

Tranquillity / Noise

The relative tranquillity of the Cotswolds AONB is one of its special qualities. In other words it is one of the features of the AONB that makes it so outstanding that it is in the nation's interest to safeguard the AONB. As such, potential adverse impacts on tranquillity are a key consideration.

Three key considerations, in this regard are the:

- i. potential impacts on traffic movements on local roads, in particular, HGV movements;
- ii. potential noise impacts on local receptors;
- iii. compliance with Policy CE4 (Tranquillity) in the Cotswolds AONB Management Plan 2018-2023

⁵ *Monkhill Ltd v Secretary of State for Housing, Communities and Local Government* [2019] EWHC 1993 (Admin) (24 July 2019). Paragraph 21.

i. Traffic Movements

The applicant's Transport Statement compares the traffic movements on local roads resulting from the proposed development with the current baseline. It indicates that there will be no increase in traffic movements, compared to the current baseline, because the level of output from the quarry will remain the same.

However, whilst this may be true, the Transport Statement fails to compare the traffic movements on local roads from the proposed development with a baseline in which the proposed development is not granted planning permission. In this scenario, limestone aggregate and other products would no longer be extracted and exported from Naunton Quarry.

The applicant's Transport Statement indicates that there would be 182-202 HGV movements per full working day (as well as vehicle movements associated with the quarry's employees). This is 182-202 more HGV movements than there would be if the quarry extension was not permitted. As such, the proposed extension would have a huge impact on the tranquillity of the AONB compared to a scenario in which planning permission is not granted.

The applicant's assertion that the proposed development would result in no increase in traffic movements compared to the current baseline implies that maintain the status quo is an acceptable outcome. However, this is not necessarily the case.

The cumulative impact of HGV movements associated with the cluster of eight quarries in the Buckle Street / B4077 area – and the impact that these movements have on the tranquillity of the AONB – is an issue of significant concern for the Board. It is also an issue of significant concern for local residents for whom these HGV movements are having a significant impact on the local amenity of the area.

It was because of these concerns that the Board organised and co-facilitated a quarry stakeholder meeting in January 2020. This meeting was attended by the quarry operators and their agents, parish councils and local authority officers and members. The issue of HGV movements was flagged up as a key issue at this meeting and the participants discussed how this issue (and other issues) could potentially be addressed. However, whilst measures such as enforcing speed limits, particularly through villages such as Ford, would help to mitigate some of these impacts, they would not address the core issue of the total number of HGV movements.

One of the key concerns relating to these HGV movements is the lack of a robust baseline for the number of HGV movements on the local roads and the contribution that the individual quarries make to this baseline. However, Naunton Quarry is clearly the largest quarry in this cluster. Anecdotally, it has been estimated that Naunton Quarry probably accounts for approximately half of the total HGV movements in this cluster. Therefore, compared to a scenario in which planning permission is not granted, the development would double the number of HGV movements (i.e. a 100% increase). This is well above the 10% rule of thumb threshold outlined in Section 4.5 of the Board's Tranquillity Position Statement.

The reduction in HGV movement that would result from planning permission not being granted would have a hugely beneficial effect on the tranquillity of the AONB and on the amenity of the local area. The Board considers that this significant beneficial effect potentially outweighs the need for the development.

Conversely, if planning permission is permitted and retains the status quo, Naunton Quarry will continue to make a significant contribution to the cumulative adverse impacts of HGV movements associated with this cluster of quarries.

If planning permission is granted, consideration should be given to only permitting a significantly reduced annual output and, as a result, a significantly reduced number of HGV movements (for example, a reduction of 50% or more).

ii. Noise

As with potential impacts on tranquillity, the proposed extension should be compared with a scenario in which planning permission is not granted (and mineral development at Naunton Quarry comes to an end), rather than just comparing the proposed development to the current baseline.

In this context, the noise impacts are likely to be more significant than the applicant's supporting information indicates, particularly with regards to receptors in the immediate vicinity of the proposed extension, such as the residents of Summerhill.

iii. Cotswolds AONB Management Plan

When considering impacts on the tranquillity of the AONB, it is important to have regard to Policy CE4 (Tranquillity) of the Cotswolds AONB Management Plan 2018-2023, which promotes:

- (i) avoiding and / or minimising new sources of noise pollution and other visual and aural disturbance; or
- (ii) removing and / or reducing existing sources of noise pollution and other visual and aural disturbance.

Visual impacts

The Board acknowledges that the visual impacts of the proposed quarry extension should be considered in the context of the visual impacts that would occur anyway as a result of the currently permitted quarry development. However, we consider that the applicant's LVIA has potentially underplayed the visual impacts, as outlined below.

The photographs provided in the LVIA are primarily panoramic style images. Whilst such panoramas provide useful context, they do not provide a realistic impression of the actual visual impacts. A more realistic impression would be provided by individual photographs, taken with a 50mm focal length camera, shown at A3 size.

The photomontages of the 'operational period' and 'following restoration', with their blurred-out imagery also provide very little useful context of what the visual impacts are likely to be. By not providing a realistic impression of the likely visual impacts, the photographs and photomontages significantly underplay these visual impacts.

The LVIA indicates that receptors at a number of viewpoints '*would be affected by views of proposed mitigation measures rather than the proposed extraction and restoration operations themselves*'. Presumably the proposed mitigation measures are the proposed screening bunds. Such mitigation measures still form an integral part of the overall development.

Screening bunds can, themselves, have a significant adverse visual impact, particularly where they would restrict previously expansive long distance views across the open, High Wold plateau. This is particularly significant given that these views are one of the key features / characteristics of Landscape Character Type 7 (High Wold), as well as being one of the 'special qualities' of the Cotswolds AONB.

It is not clear from the LVIA the extent to which the proposed development, particularly the proposed screening bunds, restricts these expansive long distance views. As such, there is a risk that the LVIA has underplayed the significance of these visual impacts during the operational phase of the development.

For example, receptors on the byway to Grange Hill Farm, to west of the proposed extension (in the vicinity of grid reference SP11482517), currently have an uninterrupted view looking eastwards across land that is not quarried. These views currently extend at least 2.5km to Skinner's Hill and up to 5km away, towards the elevated plateau north east of Upper Slaughter. These extensive views would be completely blocked by the proposed screening bunds (albeit for a relatively short section of this byway). Screening bunds on the western boundary of the existing quarry already block eastward views along a 200m section of this byway, so the screening bunds for the proposed extension would further add to this existing visual impact.

The Board acknowledges that the screening bunds along the southern and south-western boundary of the quarry extension would be removed following cessation of extraction operations. This could potentially help to restore the long term views that currently exist and address the shorter term, adverse visual impacts. In addition, the Board recommends that consideration should also be given to removing the existing bunds along the western boundary of the existing quarry, thereby opening up eastward views along the length of the adjacent byway.

Biodiversity

The Board recognises that the proposed scheme could potentially provide beneficial effects for biodiversity in the long term, particularly through the creation of species rich grassland, although there may be some losses to biodiversity during the operational phase. Overall, the applicant should be required to demonstrate that a significant net-gain in biodiversity will be achieved.

The Board recommends that a larger proportion of the quarry complex – ideally, the majority of the site - should be restored to species rich grassland (ideally, lowland calcareous grassland).

In the 1930's, 40% of the Cotswolds AONB was covered in wildflower-rich grassland. However, agricultural intensification and changing land management practices have led to the loss of almost all of this grassland, with less than 1.5% remaining.

The flower-rich grasslands of the Cotswolds AONB, particularly its lowland calcareous grassland, are one of the AONB's 'special qualities'. In other words, they are one of the aspects of the AONB's natural beauty which make the distinctive and which are valuable, especially at a landscape scale. As one of the AONB's special qualities, these grasslands are also one of the key attributes on which the priorities for the conservation, management and enhancement of the AONB should be based.

Restoring the majority of the site to species rich / lowland calcareous grassland could make a much more significant contribution halting and reversing declines in this iconic habitat.

For similar reasons, the Board recommends that the creation of scrub should not be targeted in the restoration scheme. Instead, the 'proposed species rich grassland and scrub' should just be 'proposed species rich grassland'. Whilst scrub can provide a useful habitat for some wildlife, it would inevitably become established as a successional habitat, even on a well-managed site where other habitats are prioritised. As such, it is not necessary to proactively target the creation of scrub. If scrub creation is prioritised at the start of the

restoration, this will quickly lead to scrub dominating and out-competing the higher priority and more sensitive species-rich grassland habitat.

With regards to sourcing lowland calcareous grassland seed, we recommend contacting the Board's Glorious Cotswold Grasslands Project⁶ to discuss seed source and brush harvested seed supply suitable for the restoration work. Any gaps in the species content of locally collected seed can be filled by further targeted collection or purchase of commercially grown seed if required.

The restoration scheme for Broadway Quarry, in the Worcestershire section of the Cotswolds AONB, provides a good example of a restoration scheme that prioritises the creation of lowland calcareous grassland. The Board recommends contacting Worcestershire County Council for details of the Broadway Quarry restoration and aftercare scheme.

Worked-out and newly restored mineral sites provide an important habitat for rare invertebrate species, primarily because of the areas of bare earth that they provide. Therefore, as part of the restoration scheme, we recommend that that some habitat should be created specifically for invertebrates, for example, by creating low banks, hollows and / or very shallow benches. There should be scope to achieve this without adversely impacting on the establishment and management of the lowland calcareous grassland.

The waterbody also has the potential to provide biodiversity benefits, particularly if the slopes that would be periodically flooded could provide shallow, marginal wetland habitat. The Board recommends that further consideration is given to the optimal gradient that would be required to achieve this.

Historic Environment

In the area of the quarry are a number of scheduled monuments, comprising a number of barrow (burial mound) forming cemeteries and a large circulate enclosure known as Summerhill Prehistoric site.

Historic England has identified that the proposed development will cause a change to the landscape setting of these monuments and will impact on their significance. They have indicated that the harm would be less than substantial but would still be harm. However, Historic England also identified that a revised restoration scheme, with gently contoured slopes that blend more naturally with the existing topography, could potentially reduce this harm.

The revised restoration scheme that the applicant has subsequently provided is more in line with Historic England's suggestions. As such, the harm to the setting of the monuments, resulting from the proposed development, is likely to be reduced. However, it is still likely that the proposed development would be harmful, given the still significant change in landform, albeit not to a significant degree.

EXCEPTIONAL CIRCUMSTANCES / PUBLIC INTEREST

Assuming that the proposed development is considered to be major development, as recommended by the Board, there should be a presumption against granting planning permission. Planning permission should only be granted if the applicant can demonstrate

⁶ <https://www.cotswoldsaonb.org.uk/looking-after/our-grasslands-projects/glorious-cotswolds-grasslands/>

that exceptional circumstances apply and that the development would be in the public interest. In order to do this, the applicant would, in effect, need to demonstrate that:

- there is an exceptional need for the development;
- the need for the development (i.e. the demand for 1.4 million tonnes of clay and the resulting bricks) cannot reasonably be met outside the AONB or met in some other way;
- the need for the development outweighs any detrimental effect on the environment, the landscape and recreational opportunities.

Even if the development is not deemed to constitute major development, these should still be important considerations when weighing up the need for development with the statutory purpose of conserving and enhancing the natural beauty of the AONB and the highest status of protection that is afforded to AONBs in this regard.

It is important to note that, even if there is considered to be 'exceptional need' for the development, relevant case law⁷ has clarified that 'exceptional need' does not equate to 'exceptional circumstances'. This is because the other major development considerations may outweigh this exceptional need. This is particularly important given that:

- AONBs are landscapes whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard them;
- great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs;⁸
- AONBs have the highest status of protection in relation to landscape and scenic beauty (on par with national parks);⁹
- Gloucestershire County Council must have regard to the purpose of conserving and enhancing the natural beauty of the Cotswolds AONB¹⁰, with the expectation that adverse impacts will be avoided or minimised;¹¹
- Gloucestershire County Council has the power to take all such action as appears expedient to the Council for the accomplishment of the purpose of conserving and enhancing the natural beauty of the Cotswolds AONB.¹²

Need / Alternative Options

The Board has already identified, in this consultation response, that the extraction of limestone in the AONB for use as crushed rock aggregate is not compatible with the policies of the Cotswolds AONB Management Plan or with associated guidance published by the Board, such as the Cotswolds AONB Landscape Strategy and Guidelines. In this section, we outline how the need for this aggregate could potentially be met in some other way.

The Board acknowledges that the site of the proposed development (i.e. land south of Naunton Quarry) is an allocation in the Minerals Local Plan (MLP) for Gloucestershire 2018-

⁷ For example, *Mevagissey Parish Council, R v Cornwall Council & Anor*, England and Wales High Court (Administrative Court) (27 November 2013).

⁸ NPPF, paragraph 172.

⁹ NPPF, paragraph 172.

¹⁰ Countryside and Rights of Way Act 2000, Section 85.

¹¹ Natural England (2010) *England's statutory designated landscapes: a practical guide to your duty of regard*. Also Defra (2005) *Duties on relevant authorities to have regards to the purposes of National parks, Areas of Outstanding Natural beauty and the Norfolk and Suffolk Broads*. Both publications are referred to in paragraph 039 of the Government's Planning Practice Guidance for 'Natural Environment' ([link](#)).

¹² Countryside and Rights of Way Act 2000, Section 84.

2032.¹³ We also acknowledge that Naunton Quarry has played a strategic role in contribution to the County's production of aggregate. However, as outlined below, this does not necessarily mean that there is exceptional need for the proposed extension to the quarry, that exceptional circumstances apply or that the development would be in the public interest.

The proposed development is primarily for the provision of crushed rock aggregate. The MLP identifies that an additional provision of 13.442 million tonnes (mt) of crushed rock aggregate is required up to 2032, over and above existing landbanks. Table 3a of the MLP identifies that the three aggregate allocations in the Forest of Dean have a potential yield of between 20.4 and 28.4mt. This is potentially double the additional provision required for the county up to 2032.

The NPPF (paragraph 205) states that '*mineral planning authorities should, as far as practical, provide for the maintenance of landbanks of non-energy minerals from outside Areas of Outstanding Natural Beauty*'. The Forest of Dean allocations are all extensions to existing quarries and are all located outside any AONB. Therefore, it would be preferable for the County's aggregate provision to be met by these allocations rather than by the allocations within the Cotswolds AONB. Whilst the Board acknowledges that the historical ratio of aggregate provision from the Cotswolds and the Forest of Dean has been 70:30, respectively, this ratio does not reflect the requirements of paragraph 205 of the NPPF.

Within the Cotswolds AONB, there is an additional allocation at Daglingworth, which would also be an extension to an existing quarry. Whilst this allocation may well have potential adverse impacts on the AONB, the potential adverse impacts on the tranquillity of the AONB are likely to be much less than for the proposed extension at Naunton Quarry, as outlined below.

Daglingworth Quarry is a single quarry directly adjacent to a dual carriageway main road (the A417). Naunton Quarry, on the other hand, is one of a cluster of multiple quarries located on relatively minor roads in a relatively remote part of the AONB. As explained elsewhere in this response, the cumulative impacts of associated HGV movements across this cluster (including HGV movements through villages such as Ford) is a pressing issue. With Naunton Quarry being the largest of the quarries in this cluster, it makes a particularly significant contribution to this cumulative impact.

Therefore, all other things being equal, it would be preferable for the AONB's contribution to the additional provision requirement to be met at Daglingworth Quarry rather than at Naunton Quarry. Table 3b of the MLP identifies that the allocation at Daglingworth Quarry has a potential yield of up to 9mt. Combined with the potential yield of the three Forest of Dean allocations, the total potential yield of the aggregate allocations, not including Naunton Quarry, would be between 29.4mt and 37.4mt. This would be up to nearly three times the County's additional provision requirements to 2032.

This demonstrates that the County's additional provision requirements could potentially be met nearly three times over without having to permit the proposed extension of Naunton Quarry.

These figures also demonstrate that, even if the extension of Naunton Quarry is permitted, it does not necessarily require the extraction of 5.8mt at a rate of 500,000mt per annum (mtpa) over a period of 11+ years.

¹³ <https://www.gloucestershire.gov.uk/media/2096569/mlp-for-glos-2018-2032-adopted-march-2020.pdf>

The Board acknowledges that this rate of 500,000mtpa matches the current rate of extraction. However, this does not necessarily make it acceptable to permit a new extension that would continue to extract and export material at this rate. As indicated above (and elsewhere in this response), the HGV movements associated with Naunton Quarry are the most significant contributor to the cumulative impacts of HGV movements associated with the cluster of quarries that Naunton Quarry is located in. Significantly reducing the amount of mineral that can be extracted and exported from Naunton Quarry – and, therefore, significantly reducing the number of HGV movements associated with Naunton Quarry - would make a very significant contribution to alleviating these cumulative impacts.

Detrimental effects

The Board's comments have highlighted that the proposed development would, in fact, have significant adverse effects on the purpose of AONB designation. This is particularly the case with regards to the impact of the associated HGV movements on the tranquillity of the Cotswolds AONB and on the amenity of local communities.

Exceptional circumstances / public interest

Based on the information outlined above, the Board does not consider that the applicant has demonstrated exceptional circumstances or that the development would be in the public interest, particularly in the context of an AONB landscape whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard it.