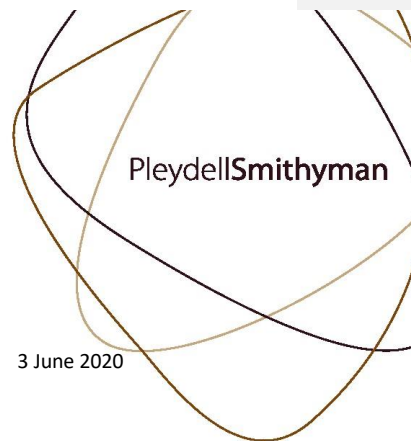


Mr D Canney
Senior Planning Officer
Gloucestershire County Council
Shire Hall
Westgate Street
Gloucester
GL1 2TG



Dear Mr Canney,

**Proposed Clay extraction - Loaders Barn, Blockley, Glos. – application reference
19/0089/CWMAJM – consolidated clarification response to representations**

We have set out below responses to various queries that have been raised during the consultation process by clarifying certain matters. At the outset we would like to confirm our understanding that there are no outstanding concerns, due to the proposals, on the basis of;

- Flood Risk (Local Lead Flood Authority and Environment Agency)
- Pollution (Environment Agency)
- Fluvial impacts (Environment Agency)
- Public Rights of Way
- Heritage (archaeology and built environment, GCC)
- Ecology (Natural England and GCC Ecologist)
- Highways (GCC Highways response to 19/0085/CWMAJM)
- Minerals Policy (Minerals and Waste Policy Team, GCC)
- Campaign for the Protection of Rural England issues

Change in the Development Plan

The responses from the Minerals and Waste Policy Team, GCC dated 21st February and 31st March set out the key policy considerations and refer to the adoption of the newly adopted Minerals Local Plan for Gloucestershire (2018 – 2032) (“the new MLP”). We can confirm that the Planning Supporting Statement that accompanies the Planning Applications takes cognisance of the new MLP; which although was not adopted at the time of making the planning applications, was at an advanced stage of preparation. We consider that the proposed development complies with the new MLP.

The responses from the Minerals and Waste Policy Team, GCC acknowledged the requirement for the continued extraction of clay to supply the works and the economic benefits that would accrue from the proposed development.

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They point to the NPPF requirement to maintain a landbank for brick clay of at least 25 years and that Northcot is a long-standing and valuable producer of heritage bricks, one of only two brickworks remaining in the county. Overall, the major planning issues to be balanced are its potential impact upon the Cotswolds AONB and the need to maintain supply of this nationally important industrial mineral.

We agree that the responses correctly identify the key issues to be balanced and have addressed the requirement to balance those matters throughout this response.

Cotswold District Council

Cotswold District Council have objected to the proposals on the basis that it contravenes Policies EN1, EN2, EN4 and EN5 of the District Local Plan.

The applicant disagrees with the District Council and, by definition, agrees with the Secretary of State that there will not be a significant cumulative impact and this is based on the fact that the existing quarry will be exhausted in a relatively short period following the coming into use of the proposed quarry.

The design guide referred to in Policy EN2 states;

D.3 This Code is intended to cover all aspects of design, within a Cotswold context. These aspects include architectural, urban, landscape, ecological and sustainable design. And the Code is relevant to a wide range of development, from householder extensions and alterations, to conversions, major residential schemes and large-scale commercial proposals. It is a material consideration in planning decisions and, set within the context of the Local Plan, carries considerable weight.

It is challenging to establish which part of the design is in contravention of the policy as there are no structures proposed on the site. The Council's assessment of the ecology (consultation response dated 16 Jan 20) acknowledges that "A good net (biodiversity) gain is likely through safeguards, monitoring and a good restoration scheme". It suggests, therefore that the considerable weight contained in the policy should be applied positively in respect of ecological design.

The AONB was designated in 1966 and when the boundaries were selected the decision was taken to include not only the existing works and quarry but also the historic clay extraction site at Aston Magna. Whilst these features are localised they do remain part of the landscape in this area. Whether the impact is positive or negative in landscape terms the design of the landscape change is in keeping with existing features that were deemed appropriate to be included in the designation.

Policy EN4 states that development will be permitted where "it does not have a significant detrimental impact on the natural and historic landscape". The assessments accompanying the planning applications demonstrate that this can be achieved. The Secretary of State has directed that there is no likely significant impact on the landscape, having had regard to the consultation

Commented [JM1]: CCB acknowledges that the SoS has taken into account the existing Wellacre Quarry. However, whilst the existing brickworks are referred to in the Cotswolds Landscape Character Assessment for Landscape Character Type 17 (Pastoral Lowland Vale), the brickworks and the existing quarry are *not* identified as key features / characteristics of this LCT.

Creating a new, permanent (post-restoration), 13ha landform that is not in keeping with these key features would be a significant adverse impact on the Cotswolds AONB landscape.

Combined with the existing 16ha of Wellacre Quarry, which will also leave a permanent landform which is not in keeping with the LCT's key features, the impact is even more significant.

The cumulative impact is that the adverse effects of these new landforms is almost doubled, from 16ha to 29ha – the Board considers this to be a significant cumulative impact.

Commented [JM2]: I think that the site at Aston Magna is to the east of the train line and outside the AONB (Grid Reference SP20323535).

Commented [JM3]: See previous comments in relation to the brickworks and the existing quarry not being key features / characteristics of Landscape Character Type (LCT) 17.

When the AONB boundary was set, it was decided that physical features such as roads and train lines should be used to delineate this boundary, rather than, say, a particular contour line. This was done, at least in part, to make it easier to identify the AONB boundary 'on the ground'. In this particular locality, the train line was considered to be a suitable feature to delineate the boundary. The fact that the existing brickworks and quarry are included within the AONB boundary is a quirk of this boundary setting process, rather than an indication that the brickworks and quarry themselves positively contribute to the natural beauty of the AONB or represent a 'key feature' of this LCT.

If a comparison is made with housing, some AONB settlements have suburban, cul-de-sac housing developments that are not locally distinctive. Just because such housing developments exist within the AONB does not mean that they make a positive contribution to the natural beauty of the AONB. Nor does it mean that new housing developments should aspire to reflect this style of development. Instead, new housing developments should ...

Commented [JM4]: The Board maintains its opinion that the proposed development would have a significant detrimental impact for the reasons outlined in our consultation response.

Part of the justification that the SoS providing for reaching their conclusion was that Natural England did not object that that NE considered that there would be no adverse impacts on designated sites.

In this instance, I suspect that NE was referring to designated nature conservation sites, such as SSSIs, as this tends to be the main focus of their responses. NE does not always make it clear, in their consultation responses, that they are talking specifically about nature conservation sites. As such, it can be mistakenly inferred that NE does not consider that ther ...

responses, including the Cotswold Conservation Board, which were available before 27th April. The consenting of development is in accordance with the statutory duty of the Conservation Board to foster the social and economic wellbeing of communities within the AONB.

Policy EN5 contains reference to the exceptions in National Policy and Guidance but does not explain why those exceptions do not apply.

Public Support

Although there have been public objections to the planning application, there is a general feeling of support for the proposed development. Much of that support arises through the local employment and local economic benefits that arise from the proposed development and safeguarding the long term operations at the works.

We have attached at Appendix 1 a summary of the objections received and how the matters raised are addressed within the planning application or the consultation responses.

Need and Locational Considerations

We acknowledge that paragraph 205 of the NPPF, places an emphasis of developing outside of AONBs 'as far as practical'. We consider however that the proposed development has a legitimate locational need given its clear connectivity with the long established brickworks.

The brickworks are an established use which predate planning legislation and the operators will continue that legitimate use until such time as it becomes uneconomical to do so. The brickworks, adjoining factory units and clay quarry were present at the time of designation/expansion and the decision was taken to include these uses within the AONB. That designation is a landscape designation so these features, some having been put in place since 1928, form part of the landscape.

It is important to clarify therefore that the planning applications are for the extraction of clay at Loaders Barn, with the associated placement of overburden in Wellacre Quarry. The Loaders Barn application will allow for high quality clay (a nationally important resource) to be met locally and efficiently to supply the brickworks. The applications are not for continuation of operations at the brickworks or for permission for the remaining extraction at Wellacre Quarry. Those works already benefit from planning and will continue. The fallback position would therefore be the continuation of brickmaking but with importation of clay from further afield to satisfy the blending requirements. This would be at greater cost (financial and environmental). In other words, there is not a 'no works' scenario to consider. Therefore, although the Cotswold Conservation Board has requested that we produce additional assessment to consider the closure of the brickworks, this is not relevant and all of the assessments accompanying the application reflect this. It is not therefore proposed to produce the additional assessments.

Commented [JM5]: This is a gross distortion of the Board's statutory duty to foster the social and economic wellbeing of communities within the AONB.

It is well established that this duty (which is enshrined in Section 85 of the Countryside and Rights of Way (CROW) Act 2000) applies in the pursuance of the Board's two statutory purposes, which are to (i) conserve and enhance the natural beauty of the AONB and (ii) increase the understanding and enjoyment of the special qualities of the AONB.

In other words, the Board has a duty to foster social and economic wellbeing where this is compatible with, or positively contributes to, the Board's two purposes.

It would be a perverse interpretation of this duty (and the associated legislation) to suggest that the Board has a statutory duty to foster the economic and social wellbeing of local communities in the AONB in a way that would have an adverse impact (significant or otherwise) on the natural beauty of the AONB.

Incidentally, with regards to the Board's two statutory purposes, Section 87 of the CROW Act states that 'if it

Commented [JM6]: This phrase has no substantive meaning.

Commented [JM7]: The Board recognizes that the proposed development would have some local employment and local economic benefits. However, the Board would not be fulfilling its statutory purposes if it did not highlight the potential adverse effects of the proposed development on the Cotswolds AONB.

The economic benefits must be balanced against the great weight that must be given to conserving and enhancing the

Commented [JM8]: The Board recognizes the potential economic and traffic-related benefits of locating the proposed clay extraction close to the existing brickworks. However, the Gloucestershire Minerals Local Plan (paragraph 188) acknowledges that 'it is now more likely that primary minerals will be transported to brickworks that no longer have access to on-site or nearby reserves'.

Given that Northcot is the only operating brickworks withi

Commented [JM9]: See comments, above, relating to the relationship between the brickworks, the quarry and the key features of the landscape character in this part of the AONB,

Commented [JM10]: The Board recognizes the importance of the high quality clay resource. However, this needs to be balanced with the national importance of the AONB designation. Also, it is worth noting that the resource, itself, would not be adversely affected by not granting planning permission – the resource could still be safeguarded.

As stated in the Cotswolds AONB Management Plan (quote

Commented [JM11]: These statements make it clear that the applicant anticipates that the brickworks will continue to operate even if the proposed development is not granted planning permission.

These statements are not consistent with the requirements of the Gloucestershire Minerals Local Plan (paragraph 190) which states that 'supporting evidence should be able to show, that without the proposed working, supplies will be

Evidence has been supplied to demonstrate that both heritage and non-heritage projects have been supplied with building materials within 20 miles of the works. The locational need for the mineral is established by the presence of the brickworks and the requirement for clay of suitable quality that can be used in the brickworks. That need for a continued and steady supply of clay (landbank) is expressed in National Planning Policy Framework (NPPF) and in by Policy MW04 of the new MLP as explained in the Planning Supporting Statement. Although a large number of construction projects have been locally supported this is not the sole determinant of need for the mineral. The applicant has the requirement for the high quality clay from Loaders Barn in order to augment current reserves of poorer clay. It can therefore be clearly stated with absolute certainty that 100% of the mineral will be used in the brickworks – within the AONB.

The ‘major development test’ is brought forward by the NPPF under section 172 and, as explained in the Planning Supporting Statement is not a ‘pass or fail’ test but a series of considerations that have to be explored in order to determine the exceptional nature of the proposals and the level of public interest. The economic benefits of permitting the development area set out in paragraphs 4.4.3 to 4.4.10 of the Planning Supporting Statement and as have been acknowledged in the responses from Minerals Policy (Minerals and Waste Policy Team, GCC). The economic benefits are in the public interest. The statutory duty is placed on the Cotswold Conservation Board to seek to foster the social and economic well-being of communities within the AONB. Permitting the proposed development will meet this duty.

Section 172 requires the consideration of refusing the permission and this is also explored in the stated paragraphs, mainly consisting of the loss of employment, both direct and indirect which would be contrary to the statutory duty imposed on the Conservation Board. Also, as stated above, the brickworks themselves would continue alongside Wellacre Quarry, but the clay intended to come from Loaders Barn would require to come from further afield. Whilst it may be true that clay could be brought from further afield, that clay would undoubtedly have different characteristics, require different preparation and require significant investment at the brickworks. That proposition would therefore come at a higher cost (both financially and environmentally). This is explained further below.

You have asked for greater detail on the second topic relating to the cost of, and scope for, carrying out the development outside the designated area which is discussed at paragraphs 4.4.11 to 4.4.14. It is important to understand that cost is not solely related to financial cost but also environmental cost. It is an accepted principle that minerals can only be dug from where they lay. The clay itself has different properties to that of other clay resources such as Etruria Marl or the ‘Peterborough Member (Lower Oxford Clay) as evidenced by the British Geological Survey factsheet for brick clay (BGS, February 2007).

4.4.11 *he application site sits on the edge of the AONB and the Gloucestershire Mineral Resources Map produced by the British geological Survey indicates that the mineral extends south eastwards but still within the AONB boundary on the same side of the Main Line railway.*

Commented [JM12]: In the Board’s consultation response, we recommended that the applicant should be required to provide evidence of the extent to which the end product (i.e. the bricks) is used within the Cotswolds AONB. The applicant’s letter provides no further information on this.

As indicated in the Board’s consultation response, the Cotswolds AONB Management Plan 2018-2023 (Policy CE3) makes provision for quarrying within the AONB but only in the context of limestone, to provide building materials that help to maintain and enhance the local distinctiveness of the AONB. Policy CE3 adds that any such mineral sites should be required to demonstrate that they do not have any significant adverse effects on the special qualities of the AONB.

Commented [JM13]: See comments above relating to the Gloucestershire Minerals Local Plan stance on this issue (paragraph 188).

As indicated in the Gloucestershire Minerals Local Plan (paragraph 186), ‘clay deposits with the potential to contribute towards brick clay supplies are found in many localities across the county’.

These factors undermine the ‘locational need’ argument.

As indicated in our consultation response, the Board considers that the proposed development would have a significant adverse effect on the Cotswolds AONB.

Rather than permitting a development that would have su...

Commented [JM14]: The key issue for the Board, in this regard, is the location where the end-product (i.e. the bricks) is used.

As indicated in Policy CE3 of the Cotswolds AONB Management Plan 2018-2023, quarrying / mineral extraction within the AONB should primarily relate to providing end-products that are used within the AONB (and its setting) in...

Commented [JM15]: The fact that the proposed development may have some economic benefits does not automatically mean that the development would be in the public interest or that exceptional circumstances apply.

It is also in the public interest, at a national level, to conserve and enhance the natural beauty of the AONB. As indicated earlier, AONBs are landscapes whose distinctive character...

Commented [JM16]: See the Board’s earlier comments on this issue.

Commented [JM17]: If the brickworks continue operating then, presumably, a proportion of the employment would be retained. A quarry of this nature would presumably require relatively few employees.

Commented [JM18]: Incorrect – please refer to the comments, above, on this issue.

Commented [JM19]: Whilst bringing in clay from further afield may result in some adverse environmental effects, such as increased HGV movements, this needs to be balanced against the significant adverse effects on this national significant landscape that would result from the development being permitted.

The AONB designation is, primarily, a landscape designatio...

4.4.12 Even if they were outside the boundary of the AONB these new resources would need to traverse the railway line, creating new journeys along the public highway. Further afield, away from the setting of the AONB, clay would need to be transported from eastern sources through the village of Paxford and still cross the railway line.

4.4.13 The 'environmental' cost of the extraction would remain the same apart from the physical landscape changes within the AONB but a remote site would then incur a greater level of emissions due to transport. This is considered to be a negative step, contrary to the principles of sustainability, when a resource is located in close proximity.

4.4.14 There is no substitute for the clay itself and when the supply ceases the brickworks will close.

The BGS map reproduced as Figure 1 in the Planning Supporting Statement shows the presence of the former clay extraction at Aston Magna, also wholly within the AONB designation. As stated in the discussion of Policy MW04 the brickworks uses clay from different horizons that are blended in the works in order to produce the range of products that are in demand and the combination of these horizons is localised. The application area has been proven by site investigation (the borehole logs are with the Authority) to be acceptable in resource terms despite the depth of overburden which is considerable.

The brickworks only uses clay, so that material itself cannot be substituted if the same products are to be manufactured. The scope and environmental cost implications of locating the required mix of clays from further afield is defined in these paragraphs but expanded upon below.

It is a logical conclusion that, if the clay extraction were to take place at a different location to that which is proposed and outside the AONB, the distance that the mineral would have to travel is greater. This is a less sustainable option in economic and environmental terms because additional use of fuel and emissions would occur. In a hypothetical situation where the new quarry was as close as possible to the brickworks but outside the designated area ie north of the railway line there would be additional visual, noise and air quality impacts on a greater number of sensitive receptors which is environmentally unsound and, therefore, not a sustainable option. Such a proposition would in any event result in similar effects on the AONB as would arise from the Loaders Barn proposal. The greater the distance from the proposed site the more likely it is that vehicles will have to travel on the public highway and potentially cause highway impacts. These impacts include noise, air quality and potential congestion/severance. Minimising these impacts is a more sustainable option.

Specific Landscape Matters Raised

We acknowledge that potential landscape and visual effects are a key consideration in determination of the applications. The Landscape and Visual Impact Assessment (LVIA) that accompanies the planning application is robust and undertaken to relevant guidance.

Commented [JM20]: See comments, above, regarding the balance between different environmental considerations.

Commented [JM21]: See comments above.

Commented [JM22]: See comments above.

In addition, the Board acknowledges that locating a new quarry in a different location within the AONB, or within its setting, would potentially have an equally significant (or greater) adverse effect on the AONB. If a specific alternative location was to be considered, the Landscape and Visual Impact Assessments (LVIAs) for both proposals should be compared to see which has a lesser impact on the purpose of AONB designation.

As indicated above, in principle, the Board would prefer the clay to be imported from elsewhere (potentially further away) than for the development to be permitted in the AONB or its setting (or other protected landscapes).

If the clay was to be imported from locations beyond the setting of the AONB, it would be useful to know the most likely sources of this clay (i.e. specific quarries).

It is disappointing that the Council's landscape advisor at Atkins cannot support the planning application and that the Cotswold Conservation Board object to the planning application. We have undertaken a detailed review of those responses and provide a summary response to the main matters raised. We can provide detailed comments should you feel that is required. Overall, we consider that their respective positions are partly due to a misunderstanding of elements of the proposals and the context upon which the planning application has been made. We are satisfied that the effects have been satisfactorily assessed and no additional assessment is required. However, in order to assist in the understanding of the scheme, we have produced an updated cross section that confirms typical sight lines of a person standing/walking on the public footpath and bridleway. The presence of perimeter bunds and soil storage prevents views into the working area.

For clarification, I can confirm that there is no intention to change the proposals, particularly in relation to the movement and placement of overburden. A great deal of thought has gone into preparing the design of the works and understanding the quantities and potential impacts of that design. The design of the clay quarry, including the movement of overburden (spoil) and soil has been the subject of a great deal of thought and debate prior to submission. The clay deposit is overlain by a substantial thickness of soil and overburden. All of that material requires to be excavated in order to expose the clay mineral. The design of the operation seeks to retain as much material on site as possible whilst still providing sufficient space for the safe working of the clay.

The design takes account of a 'materials balance' that calculates the volumes of overburden that is generated through the extraction operations and balances where that material can be placed. The design maximises the reuse of that material in restoration. From year 10 onwards (once a sufficient excavation void has been opened up) the material will be directly placed within Loaders Barn excavation area to achieve restoration levels. Prior to that point in the development, the overburden is to be placed in a temporary store within the application site and with a proportion being placed in Wellacre Quarry. Consideration was given to overburden being permanently placed in a new landform to the north of the extraction area (rather than that material being placed in Wellacre Quarry).

The Council's Landscape adviser has suggested that an alternative solution for the deposition of excess spoil on an additional area of land to the north of the extraction area, still within the AONB, should be explored in greater detail to provide justification for the application proposals. All of the options relate to land that is situated within the AONB so the request is not based on the need to consider the cost and scope for carrying out the development outside the designated area.

The working scheme has been designed to take account of numerous influences including geology, geotechnical advice, minimising mining waste, economics and environmental effects (of which landscape and visual impacts are two).

Various options have been considered within the constraints that already exist. We have explained these already and why and those alternatives have all been discarded due to a combination of the following reasons;

- Minimising the land take of the proposal

Commented [JM23]: The Board has reviewed this cross section on the County Council's planning portal.

The cross sections demonstrate that views across the open landscape of the Pastoral Lowland Vale - which are one of the key features of this LCT - would, indeed, be blocked or severely restricted (as anticipated in the Board's consultation response).

The cross sections do not demonstrate the extent to which view to the Farmed Slopes (Landscape Character Type 15) would be blocked / restricted. However, given the raised angles of the site lines, it is highly likely that these views would be significantly blocked / restricted.

The way in which the Farmed Slopes 'define' the Pastoral Lowland Vale, is a key feature of this LCT, so the extent to which the proposed development blocks / restricts the views from the vale towards these slopes is an important consideration.

Commented [JM24]: This isn't a valid reason for not considering the request.

- Undue constraint from avoiding placement of material over services
- Inadequate storage capacity
- Minimising disturbance of cultural heritage features
- Landscape and Visual impact
- Loss of agricultural land
- Enclosure of the public footpath
- Policy (Mining Waste Directive)
- Proximity to residential receptors and their amenity

The AONB Board assert that the proposed development would result in a significant adverse impact upon landscape character and visual amenity during the operational phase and after restoration. The submitted LVIA identifies only localised adverse landscape and visual effects during the operational phase that are not significant. These conclusions accord with the Natural England consultation response, that of CPRE and the EIA screening Direction issued by the Secretary of State.

Cotswold Conservation Board

We do acknowledge that the proposed development would be major development. Those matters relating to Landscape and visual impact and the NPPF requirements for the major development test have been dealt with above.

Transport - The Board suggests that a new Transport Statement should be undertaken considering a baseline where the brickworks were closed and so no associated traffic. That scenario would not exist. As explained above, the likely fallback position would be, where economically viable, having clay imported from further afield. That would create additional HGV movements than would arise through the proposed development, with greater impact than would result from the proposed development, with associated effects on tranquillity and noise etc. No adjusted assessment is required.

Tranquillity – In their consultation response The Conservation Board does not accept that the quarry would not be continuously worked for six days a week or that the noise generated from the working is ‘temporary or infrequent workday noise’. This phrase is taken from the Board’s Tranquillity Position Statement which states that it is not intended to apply to such noise.

The effects of noise will not materially alter from current activities at the works and Wellacre Quarry. The exception to that would be the periods of soil stripping and formation of bunds etc. The submitted noise assessment explains that there will be attenuation from raised features such as soil storage bunds and the railway line. Predicted noise levels are represented as being at acceptable levels for these ‘workday’ impacts.

When the site is undergoing mineral operations it will not be undergoing agricultural operations so there will be no ploughing, seeding, spraying, fertilising, irrigation, harvesting or straw bale collection each of which produce noise at ground level. These are considered to be acceptable ‘rural land management’ operations as described in the Tranquillity Position Statement.

Commented [JM25]: The Board acknowledges the work that has been done in considering various options. However, this does not, in itself, alter the Board’s opinion.

Commented [JM26]: The Board is of a different opinion, as set out in our consultation response.

Commented [JM27]: See comments, above, relating to the Natural England consultation response and its relationship with the SoS Screening Direction.

Commented [JM28]: Good – in effect, this equates to agreeing that the proposed development could have a significant adverse impact on the purpose of conserving and enhancing the natural beauty of the Cotswolds AONB (and / or that it merits this status by virtue of its nature, scale and / or setting).

Commented [JM29]: See comments, above, on these issues.

Commented [JM30]: It is difficult to accept that the effects of noise will not materially alter, given that the proposed development would extend associated workings approximately 670m further south-east, across a footpath and adjacent to a bridleway, closer to Draycott and Aston Magna.

Commented [JM31]: The Board considers that appropriate ‘rural land management’ operations are an integral component of conserving and enhancing the natural beauty of the AONB. This is not the case for noise associated with quarry operations (except limestone quarries where the primary output is building materials that contribute to the local distinctiveness of the AONB and where these operations do not have any significant adverse effects on the special qualities of the Cotswolds AONB – as per Policy CE3 of the Cotswolds AONB Management Plan).

This is why the Board does not consider that the ‘temporary or infrequent workday noise’ referred to in the Board’s Tranquillity Position Statement applies the noise associated with mineral workings.

The existing noise assessment takes into account the current workings in Wellacre Quarry because the site was working when the background levels were measured. As the proposal is not EIA development it is not proposed to assess hypothetical scenarios as suggested by the Conservation Board.

Working Hours - The applicant has requested certain working hours in the application. If the Mineral Planning Authority disagree and impose a valid (reasoned) planning permission which allows different operational periods the applicant would accept that no mineral extraction takes place on Saturday afternoons.

The Conservation Board inaccurately represent the policy position as stating that the applicant has to demonstrate that the supply of clay 'cannot be met' from outside the AONB. This is incorrect.

Policy CE12 of the Management Plan requires the development to demonstrate that there is a need for it within the AONB. The development is the supply of clay and the need for the clay is derived from the brickworks which has been placed within the boundary of the AONB. This means that the proposals comply with Policy CE12.

I trust that this information will now be sufficient for you to progress to determination of the application.

Yours sincerely,

Richard Hunt

RICHARD HUNT
Associate Planner

Commented [JM32]: The Board accepts that this overstated the case.

However, the requirement to demonstrate 'exceptional circumstances' has parallels with the exceptional circumstances required for development on Green Belt land. For Green Belt land, there is a requirement to fully consider all other reasonable options for meeting the identified need for development.

The Board considers that it would be best-practice to apply the same level of scrutiny in relation to major development 'test' (b) in paragraph 172 of the NPPF.

Commented [JM33]: Policy CE12 should be read in conjunction with Policy CE3, which specifically relates the quarry product to the provision of building materials that help to maintain and enhance the local distinctiveness of the AONB.

Policy CE3 relates specifically refers to the quarrying of limestone because this is the building material that is an essential component of the AONB's local distinctiveness. However, the principles of Policy CE3, relating to the end use of the quarry product, can also be applied to other minerals.

In other words, the question of 'need' should relate to the extent to which the end product (i.e. the bricks) is used in the AONB as a building material that enhances the local distinctiveness of the AONB.

Appendix 1 - Objections from members of the public as at 1st May 2020

Date	Issue	Response
11/2	Visual impact affecting property value	In line with the principles of betterment and worsenment no account can be taken of property value in a planning decision.
	Incorrectly assumes flood lighting	No artificial lighting will be placed on the site – see para 2.2.4 of the Planning Supporting Statement.
	There will be an increase in noise level - lack of mitigation	The winning and working operations in Wellacre Quarry will reduce as this proposal comes forward. The noise environment will alter in the manner described in Appendix 11. A worst case scenario is described which will only occur for a short period and is deemed to be acceptable in line with relevant guidance.
	Assumes increased flooding downstream	This situation is not borne out by the FEH Flood Risk Assessment. Several hectares of land will be removed from the immediate catchment indicating a delay of flow rather than an increase.
	Impacts on water quality due to chemicals and 'sedimentary load'	Pollution control measures will be put in place and it is anticipated that this will be reinforced by Planning condition. The Brook is not suffering following the realignment within the site carried out 20 years previously
	Air-borne pollution	Please see Appendix 14 of the submission which identifies that there will not be significant impacts.
17/2	A comprehensive restoration scheme for Wellacre Quarry should be drawn up.	This is required by condition 9 of planning permission 15/0011
	Is the proposed restoration in doubt?	No, there is sufficient material retained on site to achieve the profile as shown in the application
	Are there any guarantees that it will take place?	It is anticipated that the implementation of the restoration scheme will be required by planning condition
	Restoration of Wellacre should be tied to permission for Loaders Barn.	This would not be a valid planning condition but the current proposal does seek to enhance the restoration potential by the supply of inert material.

	A minimum 4m high screening bund should be put in place.	The material chosen for the external screening bund and storage bund adjacent to the footpath and best practice limits this height to 3m if the soil resource is to remain fertile.
	Guarantees of no floodlighting?	Not included in the application and can be reinforced by planning condition.
	Will noise monitoring be required and by whom?	Can be required by planning condition. Will be carried out on behalf of the applicant by sub-contractor.
	Who will monitor emissions to air?	As above, if required by planning condition it would be carried out on behalf of the applicant by sub-contractor.
	Could an underground electricity supply be used to reduce noise of generators.	The noise predictions do not warrant this exercise – See Appendix 11
	There should be no reversing beepers.	Some form of warning is required by Health and Safety legislation. The type can be specified by planning condition
	Suggested relocation of access.	The GCC Highways pre-application consultation does not identify the need to relocate the access.
	Flood related questions	Reference should be had to Appendix 5 which details the calculated impacts in a range of scenarios. No alteration to the proposals is considered necessary.
	Will the EA monitor the discharge of water?	The monitoring will be part of the discharge license issued by the EA
	Data sources for ecological appraisal are incorrect.	Standard practice has been observed in the collation of data and Natural England have not found fault with these databases.
	Hours of working should exclude Saturdays.	It is common, modern practice to allow working on a Saturday morning. With appropriate mitigation there is no reason to curtail this approach.
24/2	Interferes with drainage into Knee Brook – may cause flooding	This situation is not borne out by the FEH Flood Risk Assessment. Several hectares of land will be removed from the immediate catchment indicating a delay of flow rather than an increase. The final restoration will accept water in a flood event which

		creates a flood risk benefit.
	Water quality – sediment	The Brook has previously been realigned (straightened) along a length of 160m and the current proposal will only affect approximately 10m of this length. Upon reinstatement it will be possible to incorporate measures identified by the Environment Agency for biodiversity Net Gain over this length.
	Risk to ecology generally	These potential risks have been fully assessed in the application – see Appendix 9 and Appendices 10-1 to 10-5.
	Noise	The worst case calculated noise levels are all below the recommended background + 10dBA levels and all 10dB below the Guidance level of acceptable noise in a non-specifically tranquil setting (55dBA).
	Light pollution	No artificial lighting will be placed on the site – see para 2.2.4 of the Planning Supporting Statement
25/2	Stress on and destruction of environment and biodiversity	The objection is not precise and cannot be related to the effects of the proposal.
26/2	Repeat of 24/2 plus	As previous answers.
	Increased danger at crossing point	GCC Highways have not identified this as a problem and describe the movement of spoil (19/0085/CWMAJM) as not significant. They recommend a planning condition to install and use wheel-washing facilities.
	Previous/existing development has too many HGVs	Not applicable to this proposal.
27/2	Pollution of air, ground water and light	No artificial lighting will be placed on the site – see para 2.2.4 of the Planning Supporting Statement
	10 years remaining in Wellacre Quarry	This statement is incorrect.
	Labour intensive, ‘designer’ bricks are unnecessary	They are required for heritage projects and a selection of such projects have been identified. Further evidence of supporting local heritage projects has been provided. However, this project is for the supply of clay rather than the supply of bricks.
	Release of methane, radon and	Methane is derived from the breakdown of organic

other gasses	matter and the clay will not produce this gas. Radon is derived from the breakdown of Radium and Radium is not present. No other gasses are expected and none have been experienced in Wellacre Quarry.
The sewage works will pollute the water	Unclear if this suggestion is somehow related to quarrying but the Flood Risk Assessment does not anticipate additional impacts on this facility as a result of the proposals.
There will be no controls over the development	Planning conditions will be imposed on any planning permission granted.
Potential for existing (Wellacre quarry) to be used for toxic waste and diseased animal carcasses	Not related to this application.
Doubling of output	This situation is specifically excluded as production levels are determined by the size and number of kilns which remain unaffected by these proposals.
Noise will carry for miles	This objection is not borne out by any scientific analysis. The worst case calculated noise levels are all below the recommended background + 10dBA levels and all 10dB below the Guidance level of acceptable noise in a non-specifically tranquil setting (55dBA).
Clay on the roads	GCC Highways have recommended the imposition of a planning condition requiring the installation and use of wheel cleaning facilities (19/0085/CWMAJM).
Exiting road delays	These will not be exacerbated by the proposals. GCC Highways have not identified that the road is operating above capacity.
Light pollution	No artificial lighting will be placed on the site – see para 2.2.4 of the Planning Supporting Statement
Visible for miles	The visibility of the site from surrounding areas has been determined by computer modelling which has then been followed up by site visits. The full assessment is detailed at Appendix 7 and does not identify significant impacts following mitigation.
There should be 4m perimeter bunds	The height of the southern perimeter bund is

		determine by its content. Best practice for the prevention of sterilisation of the soil limits the height to 3m.
	Suggests that there will be an impact on existing populations of crayfish, water voles and mussels	Appropriate survey methodology has been followed and these species have not been identified on the site. See Appendices 9 and 10-1 to 10-5.
	No landfill should be allowed in the proposed site	None is proposed.
27/2	30 tonne trucks are unacceptable	GCC Highways have not indicated that this is the case. The more likely size to be used is a Hydrema 920 with a payload of 18 tonnes
	Inappropriate crossing location	The location and design of the layout were the subject of pre-application discussion with GCC Highways and have not given rise to objection from that Authority.
	Trucks will inhibit visibility	This statement is unclear. Vehicles will move from one side of Station Road to the other when it is safe to do so.
	Noise level of 108dB will be a nuisance	The worst case calculated noise levels are all below the recommended background + 10dBA levels and all 10dB below the Guidance level of acceptable noise in a non-specifically tranquil setting (55dBA).
	Impact on wildlife and flooding	Ecological impacts have been considered in the application and Natural England have not raise objections. The water situation is assessed by the FEH Flood Risk Assessment. Several hectares of land will be removed from the immediate catchment indicating a delay of flow rather than an increase. EA and LLFA have not raised objections.
27/2	Existing noise and pollution is unacceptable	Not related to the current proposals. The brickworks operations are reviewed regularly and changes have been implemented in recent years to reduce emissions from noise and to the air.
28/2	Increased HGV movements through Blockley	The proposals will not increase traffic movements through Blockley. See Transport Statement.
28/2	Site is within AONB and will be visible	This is a statement of fact. Visibility is considered through the LVIA which establishes the extent of

		visibility. The Secretary of State concurs with the planning submission that significant impacts are not likely to occur.
	An alternative use for the brickworks would create better jobs	This is a hypothetical situation with no basis in fact.
	Protected species are on site. A proper and correct survey should be carried out	Surveys have been undertaken in accordance with appropriate methodology – See Appendices 9 and 10-1 to 10-5
	Tourism will reduce	No evidence is provided to establish that visitor numbers to the Cotswold AONB will be diminished by the proposals. Footpaths will be kept open and a new link created at restoration.
	Bricks not used locally	Evidence has been supplied of over 100 projects within 20 miles that have received products from the factory. Also a number of heritage projects in Gloucestershire that have benefitted. There is no planning requirement that the bricks are used locally.
	Noisy machinery will be used	All plant and equipment will be maintained to manufacturers specifications. Noise impacts are assessed as being below the threshold deemed acceptable by planning guidance.
	Undeniable safety risk due to transport of mineral which should require manning of railway crossing or traffic lights	No unacceptable risk has been identified by GCC Highways.
	The site uses fossil fuels	The plant and some of the equipment will use fossil fuels
	Manufacturing of bricks CO ₂ not quantified	The manufacture of bricks is not part of this application. The brickworks have, over recent years, installed a 150kW solar farm to reduce their carbon emissions and have moved fuel consumption from 100% coal to 85% gas, again, to reduce their carbon footprint. Whilst operational the applicant also traded through the European Emission Trading Scheme and is regularly audited for retention of ISO 14001 status. Innovation also includes the recirculation of heat in the drying process.
	Accident data is incorrect	Data has been sourced from appropriate

		authorities. No evidence is available to suggest that accidents are under-reported.
	Flood mitigation will cause downstream pollution	There is no demonstrated rationale for this statement. The effect of long-term flood mitigation is that flood water would enter the restored site where they would be held until evaporation or irrigation removes it. As there will be no pollution within the extracted site there is no potential for leaching which would then be transferred elsewhere.
28/2	The site would have a visual impact on every visitor to the Cotswolds	Every visitor to the Cotswolds would have to approach the site closer than the villages of Blockley and Paxford for this effect to take place.
	Concurrent working of the two sites	There will be a short period of overlap, in the region of 12 months, during which Wellacre quarry would provide clay from the lower seams and the Loaders Barn site would provide clay from the uppermost seam. After this time Wellacre would only be subject to restoration operations.
	Restoration proposals not clear (for both quarries)	An approved restoration concept for Wellacre quarry is in the public domain. Para 2.2.17 of the Planning Supporting Statement explains the validation requirement for restoration plans and the application has been validated. Detailed restoration plans can be required through planning conditions for approval prior to year 10, at which point the final landform will start to be created.
	Does not provide stock for local housing	<ol style="list-style-type: none"> 1. Evidence has been supplied that bricks have been supplied to over 100 local residential developments. 2. It is not the function of this development to determine the levels of affordable or 'local' housing provision.
	Bricks not needed as a national resource	Consideration has been given to a set of national considerations with regard to paragraph 172 of the NPPF – see Planning Supporting Statement.
	Need for the quarry should not override concerns	The application is required by law to be determined in accordance with the Development Plan.

	Crossing point will be dangerous	This view is not supported by the independent Risk Assessment which has been undertaken. See Appendix 13.
	Light pollution	No artificial lighting will be placed on the site – see para 2.2.4 of the Planning Supporting Statement
	Noise levels will become health problems	This statement is not borne out by the predicted noise impacts
	Hours of working are unreasonable	The total number of hours proposed marginally exceeds the hours allowed at Wellacre quarry but are spread over more days. Saturday morning working is common practice in the mineral industry.
	Further reports are needed on water levels	The FEH Flood Risk Assessment is comprehensive and has satisfied the needs of the EA and the LLFA.
02/03	Noise level of 108 dB	The noise assessment has been undertaken using an assumption that 30T payload vehicles will be used but the payload will actually be a maximum of 18 Tonnes. Even using the larger vehicles the noise predictions demonstrate that the lower planning guidance threshold is not exceeded.
	Planning conditions would be breached (hours of working)	The County Council has powers of enforcement which they will employ.
	There may be floodlighting	No artificial lighting will be placed on the site – see para 2.2.4 of the Planning Supporting Statement
	Problems caused by 30T trucks from the site going through Paxford	There will be no vehicles from the site going through Paxford.
	No mention of dust	Appendix 14 deals with all aspects of emissions to air.
	Existing quarry should not become landfill	Whilst this is not relevant to the current application there is no intention from the applicant for this to take place and an approved restoration scheme is in place which does not require landfill.
06/03	No details of design of the access	The applicant accepts that the detailed design should be the subject of a planning condition.
09/04	Complaints about existing site	Not applicable to this proposal
09/04	Clay transport will generate noise	A worst case scenario has been calculated using

	emissions of 108dB	30T capacity transport whilst the actual equipment will be of 18T capacity ie smaller. The figure used for the larger vehicle is 105dB as a Sound Power Level and even with this upper figure the predictions of noise at sensitive properties is at the lower acceptable guidance limit.
	40+ tonne earth movers will cross the B4479	This is incorrect
15/04	Noise impact not calculated using BS4142	This is not the correct methodology for this type of operation. Planning Guidance has been followed and the assessment provided accordingly.
	Environmental Health Officers should be consulted	These Officers have been consulted.
27/04	Close proximity to conservation areas and Listed Buildings	No impact on these heritage assets has been identified. See consideration of setting in Section 5 of Heritage Desk Based Assessment – Appendix 8-1.
	Extra traffic on roads will be detrimental	There will be no extra traffic on the public highway. Production levels are being maintained, not increased.
	Access will be unattractive	The applicant accepts that the detailed design should be the subject of a planning condition.