

Cotswolds Conservation Board
Fosse Way
Northleach
Gloucestershire
GL54 3JH



12th April 2019

Case Officer
Planning Inspectorate

Comments submitted online via the Appeals Casework Portal

Dear Sir / Madam

APPEAL REFERENCE: APP/T1600/W/18/3207814

CASE SUMMARY: Removal of Condition 3 (HGV movements) and 4 (Infill Quantity Limits) relating to planning consent 14/0104/CWMAJW

LOCATION: Cotswold Hill Quarry, Gloucestershire

I am writing to inform you that the Cotswolds Conservation Board ('the Board') maintains its **OBJECTION** to the removal Conditions 3 and 4 relating to planning consent 14/0104/CWMAJW at Cotswold Hill Quarry.

The main reason for this objection is the significant adverse impact that the removal of these conditions would have on the statutory purpose of conserving and enhancing the natural beauty of the Cotswolds Area of Outstanding Natural Beauty (AONB). In particular, the proposed changes would have a significant adverse impact on the tranquillity of the AONB. This, in turn, would result in a significant adverse impact on the amenity of local residents and visitors. These factors would be contrary to the policies of the Cotswolds AONB Management Plan 2018-2023 and the draft Minerals Local Plan for Gloucestershire.

The Board recommends that Gloucestershire County Council's decision to refuse planning permission for planning application 17/0099/CWMAJW (in which the amendments to Conditions 3 and 4 were proposed), should be upheld.

Further comments are provide in Annex 1, below.

Yours sincerely,

John Mills MRTPI
Planning and Landscape Officer

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

ANNEX 1. The comments of the Cotswolds Conservation Board relating to planning appeal APP/T1600/W/18/3207814 (Cotswold Hill Quarry)

1.0 SUMMARY

- 1.1 The Cotswolds Conservation Board ('the Board') maintains its **OBJECTION** to the proposed removal of Conditions 3 and 4 relating to planning consent 14/0104/CWMAJW. The Board supports Gloucestershire County Council's decision to refuse planning permission for planning application 17/0099/CWMAJW, in which the amendments to Conditions 3 and 4 were proposed. The Board recommends that this decision should be upheld.
- 1.2 The main reason for this objection is the significant adverse impact that the removal of these conditions would have on the statutory purpose of conserving and enhancing the natural beauty of the Cotswolds Area of Outstanding Natural Beauty (AONB). In particular, the proposed changes would have a significant adverse impact on the 'tranquillity'¹ of the AONB, which is one of the AONB's 'special qualities'². This, in turn would result in a significant adverse impact on the amenity of local residents and visitors.

2.0 TRANQUILLITY IN THE CONTEXT OF THE COTSWOLDS AONB

- 2.1 Tranquillity is one of the 'special qualities' of the Cotswolds AONB. It is also one of the 'natural beauty' criteria that are taken into consideration by Natural England when designating AONBs. It is, therefore, an important consideration for public bodies when they fulfil their statutory duty³ to have regard to the statutory purpose of AONB designation (i.e. conserving and enhancing the natural beauty of the AONB).
- 2.2 In 2007, the Campaign to Protect Rural England (CPRE) published a 'tranquillity map' which showed comparative levels of tranquillity for England⁴. The Board has produced a version of this tranquillity map specifically for the Cotswolds AONB⁵. What is clear from this map is that the Cotswolds AONB is a stronghold for tranquillity in this part of England, especially when compared to the surrounding urban areas.
- 2.3 The CPRE tranquillity map showed that the AONB in the vicinity of Ford had a particularly high level of tranquillity, as of 2008. However, with multiple quarry operations in the immediate vicinity and various changes having been made to planning conditions for these quarry operations, this tranquillity is being slowly eroded.
- 2.3 Given the important role that tranquillity plays in making the Cotswolds AONB a nationally important landscape, which merits the highest status of protection⁶, it is

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

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

³ Section 85 of the Countryside and Rights of Way Act 2000.

⁴ <http://www.cpre.org.uk/resources/countryside/tranquil-places/item/1839->

⁵ Cotswolds Conservation Board. *Cotswolds Conservation Board Position Statement – Tranquillity and Dark Skies. Appendix 2.* <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/08/tranquillity-ps-appendix-2-tranquillity.pdf>

⁶ Paragraph 172 of the National Planning Policy Framework.

particularly important that we seek to conserve and enhance levels of tranquillity within the AONB.

2.4 This is reflected in the statutory Cotswolds AONB Management Plan 2018-2023⁷, which is a material consideration in planning matters. Policy CE4 (Tranquillity) of the Management Plan states that:

- Proposals that are likely to impact on the tranquillity of the Cotswolds AONB should have regard to this tranquillity by seeking to (i) avoid and (ii) minimise noise pollution and other aural and visual disturbance.
- Measures should be taken to enhance the tranquillity of the Cotswolds AONB by (i) removing and (ii) reducing existing sources of noise pollution and other aural and visual disturbance.

2.5 The Board's Position Statement on Tranquillity and Dark Skies⁸ adds to this by stating that '*the Board will oppose any development proposals which will lead to a significant increase in noise pollution ... or other loss of tranquillity, either individually or cumulatively, particularly within areas identified as being most tranquil.*'

2.6 The importance of tranquillity is also reflected in the National Planning Policy Framework which states, in paragraph 180, that planning decisions should '*mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life*'.

3.0 THE IMPACT OF THE PROPOSED REMOVAL OF CONDITIONS 3 AND 4 ON THE TRANQUILLITY OF THE COTSWOLDS AONB

3.1 The removal of conditions 3 and 4 could significantly increase the number of lorry movements on local roads. This is demonstrated by the vehicle records data referred to in paragraphs 2.13 and 4.12 of the Decision Notice relating to planning application 17/0099/CWMAJW. This data shows that in November 2016, the appellant breached the importation limits imposed by the conditions by 370%.

3.2 As outlined in paragraph 4.13 of the Decision Notice, this caused additional noise and disturbance for local residents. Given that the appellant has increased the number of vehicle movements to that extent when planning condition have been in place (contrary to the requirements of these planning conditions), the number of vehicle movements is likely to be even higher if the planning conditions are removed.

3.3 The increase in vehicle movements that would be associated with the removal of the planning conditions is likely to have a significant adverse impact on the tranquillity of the AONB and the amenity of local residents and visitors. As such, the proposed removal of the planning conditions would be contrary to the policies of the statutory Cotswolds AONB Management Plan and would have a significant adverse impact on the statutory purpose of conserving and enhancing the natural beauty of the AONB.

⁷ <https://www.cotswoldsaonb.org.uk/planning/cotswolds-aonb-management-plan/>

⁸ Cotswolds Conservation Board. *Cotswolds Conservation Board Position Statement – Tranquillity and Dark Skies*. <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/tranquillity-and-dark-skies-nov-09-revised-oct-2010.pdf>

4.0 MINERALS LOCAL PLAN FOR GLOUCESTERSHIRE

- 4.1 Although the emerging Minerals Local Plan (MLP) for Gloucestershire is not yet adopted, the adopted version of this Plan will be in place for the majority of the remaining life of Cotswold Hill Quarry. Therefore, in order to 'futureproof' the proposed removal of the planning conditions, these amendments should be considered in the context of the policies in the draft MLP.
- 4.2 Policy DM01 (Amenity) of the draft MLP states that '*minerals development proposals will be permitted only where it can be demonstrated that unacceptable adverse impacts on the amenity of local communities ... by means of noise, air pollution, vibration and visual intrusion, can be avoided and / or satisfactorily mitigated*'. For the reasons outlined above, the Board is of the opinion that the proposal does not comply with Policy DM01.
- 4.3 Policy DM2 (Cumulative Impact) states that '*minerals development proposals will only be permitted where it can be demonstrated unacceptable cumulative impacts will not be generated*'. The proposed removal of the planning conditions is only likely to exacerbate the cumulative impact of quarry operations in the immediate vicinity. As such, it would not be compliant with Policy DM2.
- 4.4 In addition, Policy DM09 (Landscape) states that proposals will only be permitted where they can demonstrate '*that adverse impacts on the special qualities of the AONB can be avoided and / or satisfactorily mitigated*'. For the reasons outlined above, the Board is of the opinion that this would not be the case so the proposal would not be compliant with Policy DM09.