

1<sup>st</sup> July 2019

Linda Townsend  
Senior Planner  
Gloucestershire County Council



By email to [Linda.Townsend@gloucestershire.gov.uk](mailto:Linda.Townsend@gloucestershire.gov.uk)

Dear Linda

**19/0032/CWMAJM. Variation of condition 7 (Exportation of materials) relating to planning consent 14/0101/CWMAJM dated 21/05/2015 to increase the total quantity of mineral export from 50,000 to 100,000 tonnes per annum with the maximum quantity of any single mineral product export increased from 30,000 to 50,000 tonnes per annum. Oathill Quarry, Fiddlers Green, Temple Guiting, Gloucestershire, GL54 5SG.**

Thank you for consulting the Cotswolds Conservation Board ('the Board') on the above proposal. The Board has already provided a consultation response on this proposal, dated 31<sup>st</sup> May 2019, in which we recommended that an EIA should be required. We are now writing to also confirm that the Board objects to the proposed variation of Condition 7. We recommend that the proposed variation should not be permitted.

The over-arching reasons for this objection are as follows:

- 1) The proposed variation of condition 7 would lead to a significant increase in HGV movements which, in turn, would have a significant adverse impact on the statutory purpose of conserving and enhancing the Cotswolds Area of Outstanding Natural Beauty (AONB). In particular, the variation would have a significant adverse impact on the 'tranquillity' of the AONB, which is one of the AONB's 'special qualities'.
- 2) The significant adverse impacts associated with this individual proposal would further exacerbate the cumulative impact of the cluster of quarries within close proximity to Oathill Quarry.
- 3) Mineral production in the Cotswolds AONB should be at an appropriate scale and should focus on the provision of building materials that help to maintain and enhance the local distinctiveness of the AONB (in line with Policy CE3 of the Cotswolds AONB Management Plan 2018-2023). Exporting agricultural lime does not contribute to this objective. The production of agricultural lime should, as far as practical, be sourced from outside AONBs (in line with the National Planning Policy Framework, paragraph 205a).

Much of the justification for the Board's objection, particularly in relation to tranquillity, has previously been outlined in the comments that we submitted on 31<sup>st</sup> May 2019 (as referred to above) and in our response to planning application 18/0010/CWMAJM, dated 28<sup>th</sup> September 2018. It is worth noting that since our previous consultation responses, the Board has published a new Position Statement on Tranquillity, which should be treated as a material consideration.

Whilst the Board recognises that the current proposal would result in a smaller increase in mineral output (and HGV movements) than that proposed in planning application 18/0010/CWMAJM, we still consider that the current proposal would have a significant

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adverse impact. The impacts of the current proposal should be assessed against a baseline in which Oathill Quarry complies with its existing planning conditions, not against a proposal (i.e. planning application 18/0010/CWMAJM) which was not granted planning permission.

Relevant supporting information is provided in Annex 1, below. If you have any queries regarding the information provided in this response, please do not hesitate to 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.

John Mills MRTPI  
Planning and Landscape Officer

## **ANNEX 1. COTSWOLDS CONSERVATION BOARD CONSULTATION RESPONSE IN RELATION TO PLANNING APPLICATION 19/0032/CWMAJM**

### **Tranquillity**

Tranquillity is one of the ‘special qualities’ of the Cotswolds AONB. In other words, it is one of the features of the AONB that makes the area so outstanding that it is in the nations’ interest to safeguard it. Tranquillity is also one of the ‘natural beauty’ criteria that are taken into consideration by Natural England when designating AONBs. It is, therefore, an important consideration when local authorities undertake their statutory duty to have regard to the statutory purpose of AONB designation (i.e. to conserve and enhance the natural beauty of the AONB).

Further information about tranquillity is provided in the Board’s new Tranquillity Position Statement<sup>1</sup>, which was adopted by the Board on 25<sup>th</sup> June 2019. This Position Statement should be treated as a material consideration.

### **The impact of the proposed development on the tranquillity of the Cotswolds AONB**

The applicant’s Transport Statement concludes that, *‘overall, the increase in output proposed through this application to vary Condition 7 does not result in a significant increase in output at the quarry when compared to the existing operational output of the quarry’*. However, the ‘existing operational output’ already far exceeds permitted output levels (based on the output figures provided for 2014 to 2017). As such, it should not be used as a baseline for assessing the potential impact of the proposed variation to Condition 7. The baseline that should be used is the output - and number of HGV movements - that there would be if the quarry was complying with the conditions of its planning permission.

This use of an inappropriate baseline in the Transport Statement – together with inconsistent use of yearly / monthly / daily / hourly averages and the mixing of HGV data and total traffic data - makes it very difficult to assess the true impact of the proposed variation. However, some of the key facts are outlined below:

- As outlined in the applicant’s ‘Supporting Statement’, the proposed variation of Condition 7 would involve an additional 5,000 HGV movements per annum, compared to the current permitted level. Table 1 of the Supporting Statement indicates that this would more than double the total number of HGV movements per annum.
- Over half of these additional HGV movements would be in the months of August and September (1,425 and 1,456 additional movements respectively, according to Table 5.3 of the Transport Statement). This equates to an increase of 71 additional HGV movements per day in August and 73 additional HGV movements per day in September. In comparison, the HGV movements for other mineral products from this quarry in these two months would be just 416 and 334 movements, respectively (based on the data in Table 5.5, assuming compliance with existing conditions). As such, the proposed variation to Condition 7 would represent a 342% increase in the number of HGV movements in August and a 432% increase in the number of HGV movements in September. This is a significant increase in its own right.

Tables 6.2 and 6.3 of the Transport Statement show the % net increase in total traffic movements (including cars) resulting from the anticipated increase in HGV movement. However, a crucial piece of information that is not shown is the % net increase in HGV

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<sup>1</sup> <https://www.cotswoldsaonb.org.uk/our-landscape/position-statements-2/>

movements compared to a baseline for HGV movements in which the quarry is operating within the current limits of Condition 7. The applicant should be required to provide a revised version of Tables 6.2 and 6.3 (particularly in relation to the September peak) which provides this comparison.

Table 6.3 shows that, in September, the number of HGV movements per day on the B4077 south-east of the quarry is likely to increase by 44. Table 6.3 uses the automatic traffic counter (ATC) data from Chapter 3. This ATC data (i.e. Table 3.3) shows a weekday 'baseline' of approximately 170 HGV movements per day (i.e. 85 in each direction) in this location. If the baseline of 170 is increased by 44, the % increase is approximately 25%. Given that Oathill Quarry has been exceeding its permitted amount of HGV movements for several years, the January 2019 baseline data might be artificially high. In this case, the % increase (compared to a baseline that is based on permitted HGV movements) is likely to be even larger.

The Institute of Environmental Management's<sup>2</sup> 'Guidelines for the Environmental Assessment of Road Traffic' provides two 'rules of thumb' for assessing the scale at which % increase in traffic flows becomes significant:

- Rule 1: include highway links where traffic flows will increase by more than 30% (or the number of heavy goods vehicles will increase by more than 30%).
- Rule 2: include any other specifically sensitive areas where traffic flows have increased by 10% or more.

As AONBs are classed as 'sensitive areas' in the Environmental Impact Assessment Regulations, Rule 2 should be applied in AONBs. In Rule 1, a 30% increase in traffic flows equates in significance to a 30% increase in the number of HGVs. Therefore, it would be appropriate for the 10% increase in traffic flows in Rule 2 to equate to a 10% increase in the number of HGVs (or the number of HGV movements). Therefore, as a rule of thumb, it can be argued that, for the Cotswolds AONB, a development that leads to a 10% (or larger) increase in the number of HGVs is significant.

Therefore, the analysis provided above (i.e. the 25% increase in HGV movements) shows that the proposed variation to Condition 7 would lead to a very significant increase in HGV movements on local roads and, therefore, would have a significant adverse impact on the tranquillity of the Cotswolds AONB.

### **Cumulative impacts**

The significant adverse impacts associated with this individual proposal would further exacerbate the cumulative impact of the cluster of quarries within close proximity to Oathill Quarry. Several of these quarries have, over recent months and years, either applied for extensions (to increase the amount of mineral that can be extracted) or applied for conditions to be changed or removed, with varying degrees of success. These factors are all putting additional pressure on the local road network, on the tranquillity of the Cotswolds AONB and on the purpose of AONB designation.

The local Parish Councils regularly receive complaints and enquiries from parishioners regarding the issues surrounding quarrying including speeding HGV quarry vehicles, HGV vehicles in excess of the permitted number, HGV vehicles operating outside permitted hours, noise from quarries (both within and outside permitted operating hours), HGV vehicles using

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<sup>2</sup> Now the Institute of Environmental Management and Assessment (IEMA).

roads inappropriate for large vehicles, dangerous mud on the road, erosion of verges, and litter from HGV drivers, among others

Therefore, before any variation is made to planning conditions for quarries within this cluster, this cumulative impact should be assessed in more detail. A 'masterplan' should then be developed to identify a 'sustainable' level of mineral production across this cluster, which does not result in any significant adverse impacts on – and which makes a positive contribution to - the purpose of AONB designation.

### **Production of agricultural lime**

Mineral production in the Cotswolds AONB should be at an appropriate scale and should focus on the provision of building materials that help to maintain and enhance the local distinctiveness of the AONB (in line with Policy CE3 of the Cotswolds AONB Management Plan 2018-2023). Exporting agricultural lime does not contribute to this objective. The production of agricultural lime should, as far as practical, be sourced from outside AONBs (in line with the National Planning Policy Framework, paragraph 205a).

The applicant's evidence base<sup>3</sup> states that Johnston Quarry Group has a long standing, legally binding contractual agreement with R&T Liming to supply them with 35,000 tonnes per annum of agricultural lime per annum from Oathill Quarry. This is further evidence that Johnston Quarry Group is continuing to breach Condition 7, which currently states that the quantity of any single mineral product exported from the quarry in any calendar year shall not exceed 30,000 tonnes. Given that the total quantity of mineral exported from Oathill Quarry should not exceed 50,000 tonnes, it also indicates that the agricultural lime is not just '*a mineral by-product produced from site derived waste material*' (as claimed in paragraph 1.2 of the applicant's Supporting Statement) but is actually the main mineral product.

Given that the letter from R& T Liming is based on a supply of agricultural lime that exceeds the current permitted export limits, the Board recommends that it should not be treated as a material consideration by the mineral planning authority.

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<sup>3</sup> The letter of support from R&T Liming in Appendix 2 of the applicant's Supporting Statement.