

11th June 2019

Mary Hudson
Principal Planning Officer
Oxfordshire County Council
County Hall
Oxford
OX1 1NB



By email only to mary.hudson@oxfordshire.gov.uk

Dear Ms Hudson

PLANNING APPLICATION REF: MW.0149/18

DESCRIPTION: To continue the development permitted under permission 07/1777/P/CM without complying with conditions 1 and 10, to increase the number of HGV movements via the access onto the C115 highway and to bring forward planned restoration to 31 December 2030.

LOCATION: Rollright Quarry, Little Rollright, Chipping Norton, Oxfordshire.

Thank you for consulting the Cotswolds Conservation Board ('the Board') on the above planning application. Thank you also for extending the deadline for the Board to respond.

The Board **objects** to the proposed development, which is located in the Cotswolds Area of Outstanding Natural Beauty (AONB). This is because the development would have an adverse impact on the statutory purpose of AONB designation and on the Board's primary statutory purpose, which is to conserve and enhance the natural beauty of the Cotswolds AONB. In particular, the development would have an adverse impact on the tranquillity of the AONB and on the landscape character of the High Wolds, primarily as a result of the significant increase in HGV movements and the associated road improvements that would be required.

The Board recommends that the applicant should be required to provide additional information relating to these issues and additional measures to mitigate these impacts, as outlined in Annex 1. For example, the applicant should:

- Compare 'new' HGV movements with 'existing' HGV movements on the local road network and in local AONB settlements.
- Assess the distribution of 'new' HGV movements.
- Identify how HGV movements will be minimised on the minor road network and in AONB settlements.
- Identify how the proposed development would address the Cotswolds AONB Landscape Strategy and Guidelines for Landscape Character Type 7 (High Wold).

If these issues are not adequately addressed, planning permission should be refused.

Of particular concern is the prospect that the proposal would set the principle of allowing 114 HGV movements per day (compared to the current limit of 60 HGV movements) even after Phase 2 has been completed. If planning permission is granted, this should be conditional on extraction in the Phase 1 area not re-commencing until extraction in the Phase 2 area – and use of the Phase 2 access road – has ceased. On this basis, planning conditions could maintain the current restriction of limiting the total number of HGV movements from / to the

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

site (for all access points) to 60 in any one day without sterilising the consented mineral reserve.

If planning permission is granted, consideration should also be given to reviewing the restoration plan for the quarry to create / restore a larger area of lowland calcareous grassland priority habitat. Whilst there may be some benefit in allowing a degree of natural regeneration, this priority habitat would require pro-active management both during the operational phase and in a long-term after use scheme.

Finally, the Board is concerned that the local planning authority has misinterpreted the Environmental Impact Assessment (EIA) Regulations in its Screening Opinion, which incorrectly identified the proposed development as not being in a 'sensitive area' and which, as a result, inappropriately applied the EIA Schedule 2 thresholds and criteria.

Additional information regarding the Board's objections and recommendations is provided in Annex 1, below.

If you have any queries regarding this response, please do not hesitate to contact me.

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 RELATING TO THE COTSWOLDS CONSERVATION BOARD'S RESPONSE TO PLANNING APPLICATION MW.0149/18

MINERAL PRODUCTION IN THE COTSWOLDS AONB

It is important to note that the Cotswolds Conservation Board recognises that provision should be made for the quarrying of limestone in the Cotswolds AONB in order to provide building materials that help maintain and enhance the local distinctiveness of the AONB (as stated in Policy CE3 (Local Distinctiveness) of the Cotswolds AONB Management Plan 2018-2023). However, quarrying in the AONB should be at an appropriate scale, such that it does not have a significant adverse impact on the natural beauty of the AONB, including the AONB's 'special qualities'.

NEED

The applicant asserts that the proposed amendments to the planning conditions are needed to enable Rollright Quarry to be worked simultaneously by different mineral operators governed by a single planning permission. However, no justification is provided for why:

1. works would have to recommence in Phase 1 before works cease in Phase 2 by December 2021;
2. output would have to be almost doubled (across the whole site), from 60 HGV movements per day to 114 HGV movements per day, in the period up to December 2021;
3. higher output levels would need to be maintained after works cease in Phase 2.

The Board acknowledges that the proposed change to planning conditions is an amendment to an existing planning permission. However, as part of the justification for the proposed changes, the Board recommends that the applicant should still be required to address these three points. The Board is particularly concerned that the proposed amendments would set the principle of allowing 114 HGV movements per day (compared to the current limit of 60 HGV movements) even after Phase 2 has been completed.

With regards to the need for increased output, the applicant should be required to quantify the extent to which the associated increase in mineral production would be used to provide for building materials that help to maintain and enhance the local distinctiveness of the AONB. If the increase in mineral production is not primarily for this purpose then planning permission should not be granted.

If planning permission *is* granted, this should be conditional on extraction in the Phase 1 area not re-commencing until extraction in the Phase 2 area – and use of the Phase 2 access road – has ceased. On this basis, planning conditions could maintain the current restriction of limiting the total number of HGV movements from / to the site (for all access points) to 60 in any one day without sterilising the consented mineral reserve.

TRANQUILLITY

Context

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 nation's interests to safeguard it.

Policy CE4 (Tranquillity) of the Cotswolds AONB Management Plan 2018-2023 specifies that:

1. 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.
2. 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.

HGV movements have the potential to have a significant adverse impact on the tranquillity of the AONB in terms of noise, vibration and visual presence.

Issues

The proposed amendments to the planning conditions would increase the permitted number of HGV movements through the access point on the C115 road from six per day to 60 per day – a ten-fold increase. They would also increase the permitted number of HGV movements to / from the overall site from 60 to 114 – nearly doubling the total number of permitted HGV movements.

The applicant asserts that the principle of allowing 60 HGV movements per day via the C115 access has already been set in the 1999 Review of Old Mineral Permissions (ROMP). However, the applicant acknowledges that the consented operations no longer carry a proviso for uplift subject to junction improvements. Also, it is worth noting that the access provided under MW.020/07 was a ‘deliverable alternative’ to the junction improvements.¹ As such, the applicant’s assertion regarding the principle of allowing 60 HGV movement via the C115 access is not valid.

The applicant also asserts that the proposed increase in HGV movements is ‘negligible’. However, this is based on comparing the increase in HGV movements with the baseline number of total vehicle movements (including cars) in peak hours. HGV movements have a far more significant impact than car movements. So, in order to gauge the level of impact, it is also necessary to compare the proposed number of HGV movements with the current baseline of HGV movements. The planning application does not provide an explicit comparison of just these two datasets.

The Institute of Environmental Assessment’s ‘*Guidelines for the Environmental Assessment of Road Traffic*’ (paragraph 3.15), provides two ‘Rules of Thumb’ for the scale at which traffic flows should be included in an Environmental Impact Assessment. These include traffic flows where the number of HGVs will increase by more than 30%. From Figure 3.1 of the applicant’s Transport Statement, it appears that the increase in the number of HGV movements on the C115 road exceeds this 30% threshold, which means that the increase can be considered to be significant.

The applicant highlights that the 60 HGV movements per day via the C115 access point would equate to an average of 5-6 HGV movements per hour. Whilst this number might seem quite small, it is still quite significant for this narrow, minor road, which currently has minimal HGV movements. For example, the C115 road forms part of the route of a well-publicised long distance path – Shakespeare’s Way – and joins the route of another long distance path – the Macmillan Way – which follows the road along the western boundary of the site. Increased HGV movements on this road would not be compatible with this recreational use by pedestrians.

¹ Paragraph 1.1.4 of the Approved Written Statement for Planning Application MW.020/07

The proposal to change the total number of permitted HGV movements from 60 to 114 takes account of the combined HGV movements relating to both Phase 1 (i.e. the part of the site that would be operated by Johnstone Quarry Group) and Phase 2 (i.e. the part of the site operated by Smiths). However, it would also provide the unwelcome principle of allowing this level of HGV movement to continue once extraction in Phase 2 has ceased. Although the applicant doesn't currently have arrangements in place to allow this level of HGV movement, these arrangements may well be forthcoming in the future (for example, by negotiating continued use of the access road joining the C70 road). This could result in an inappropriate level of HGV movement being allowed when only Phase 1 is operational.

Recommendations

The applicant should be required to identify, explicitly state and provide graphs for the number of 'existing' HGV movements and 'new' HGV movements (excluding other forms of transport) on the following roads and in the following AONB settlements:

- Roads:
 - C115, both west and east of the proposed access (N.B. Presumably the HGV movements on C115 from / to the west (i.e. via Little Compton) would be zero, based on the existing planning conditions, but it would be useful for the assessment to clarify this).
 - C70, both north and south of the junction with C115.
 - The minor road past the Rollright Stones.
 - The minor road between the C115 road and Long Compton.
- Settlements:
 - Little Compton (N.B. See note above regarding C115).
 - Long Compton.

Ideally, this data should include each hour of the day between 07:00 and 18:00 hours, Monday to Friday, and 07:00 to 13:00 on Saturdays (as per Figure 3.1 of the applicant's Transport Statement).

The assessment should also identify the % increase in HGV movements for each of the locations outlined above.

The applicant should also be required to provide a map of traffic distribution from the site (i.e. the roads that will receive the 'new' HGV movements) and an associated table of the % of 'new' HGV movements on each of these roads. The following roads and settlements should also be included in this traffic distribution assessment:

- The A3400 north and south of the Rollright Stones road.
- The A44 north and south of the junction with the C70 road.
- The A436 south of the A44.
- Moreton-in-Marsh.
- Chipping Norton.

These assessments should take account of the fact that extraction from Phase 2 is scheduled to end by December 2021, so the baseline after this date would not include the Phase 2 HGV movements.

The applicant should also be required to demonstrate how HGV movements will be minimised on the minor road network and in AONB settlements.

LANDSCAPE CHARACTER

Context

The Cotswolds AONB Landscape Character Assessment (LCA) identifies 19 different Landscape Character Types (LCTs) for the Cotswolds AONB. The proposed development is located in LCT 7E (High Wold – Rollright and Chastleton Plateau). The large, open and elevated landscape of the High Wold is one of the 'special qualities' of the AONB.

The Cotswolds AONB Landscape Strategy and Guidelines (LSG) report identifies the key features, sensitivity and capacity of each LCT. The LSG identifies 'local forces for change' in each LCT and the 'potential landscape implications' of these forces for change. It then recommends 'landscape strategies and guidelines' to address these potential landscape implications.

For LCT 7, the LSG identifies that the High Wold '*retains a strong sense of remoteness and tranquillity, contributing to its high sensitivity*'.

Several of the forces for change associated with LCT 7 are relevant to the proposed development. The most relevant forces for change are listed in Annex 2, together with relevant potential landscape implications and landscape strategies and guidelines.

Issues

Given the close link between tranquillity and the high sensitivity of the High Wold, tranquillity is clearly a key consideration for the proposed development. This issue, in the context of HGV movements, is outlined in more detail in the previous section.

Another key consideration, in the context of LCT 7, is the impact of the development on the road network, particularly the C115 road, both in terms of the proposed road improvements and the impact of the HGV movements. For example, when HGVs travelling in opposite directions on the C115 road pass each other, they would have to mount onto the verges, which would adversely affect the appearance and character of the road. This is clearly contrary to the landscape strategies and guidelines for LCT 7, which seek to promote road verge protection and management.

Recommendations

The applicant should be required to explicitly address the forces for change, potential landscape implications and landscape strategies and guidelines outlined in Annex 2. For example, the applicant should be required to demonstrate how the proposed development, including the associated road improvements, would:

- Conserve and enhance roadside boundaries, such as hedges, including their long term management.
- Protect and manage road verges, particularly along the C115 road.
- Keep visibility splays to a minimum whilst ensuring an appropriate level of road safety.
- Conserve the character of the local road network.

If the proposed development cannot adequately address these issues then the planning permission should be refused.

If planning permission is granted, conditions should be imposed to ensure that, inter alia, the character of the local road network is conserved and that the road verges are protected and pro-actively managed.

RESTORATION / BIODIVERSITY

Context

Defra's MAGIC website indicates that 'lowland calcareous grassland' is present in the western section of Rollright Quarry (i.e. in the Phase 1 area for which the recommencement of works is being proposed). Lowland calcareous grassland is a national important priority habitat, for which the Cotswolds AONB is a stronghold. In fact, these grasslands are one of the 'special qualities' of the Cotswolds AONB.

However, as with many other priority habitats, it has experienced significant losses over the last hundred years. For example, in 1935, 45% of the Cotswolds AONB area was covered with unimproved grassland (of which lowland calcareous grassland was a significant component), whereas this figure is now just 1.5%. Lowland calcareous grassland should therefore be a priority for habitat creation in quarry restoration and after-use schemes.

Since the Review of Old Mineral Permissions (ROMP) for Rollright Quarry was undertaken for this site in 1999, the ongoing decline in biodiversity has become a much more significant and higher profile issue. For example, the Government's 25 Year Environment Plan, published in 2018, sets a target to create 500,000ha of wildlife-rich habitat outside the protected sites network, focussing on priority habitat.

Issues

The Board acknowledges that the planning application seeks to bring forward the restoration of the Phase 1 area of Rollright Quarry from 2041 to 2030. The Board acknowledges that this was the potential to provide some benefits, such as creating new wildlife habitat at an earlier date. However, these benefits need to be balanced with the adverse impacts of increasing HGV movements over the next 12 years. Also, it is worth noting that the early cessation of works in the Phase 1 area by 2030 does not necessarily mean that this will bring an end to HGV movements related to Rollright Quarry. For example, an extension to Rollright Quarry has been identified as a site allocation in the draft Minerals and Waste Local Plan Part 2: Site Allocations.

A more important issue with regards to the restoration of the quarry is the extent to which this restoration will help to conserve and enhance the natural beauty of the Cotswolds AONB. In particular, the creation and long-term management of priority habitats should be a priority.

Given that Defra's MAGIC website indicates the presence of lowland calcareous grassland, this priority habitat should be a key consideration in the restoration and after-use of the site. The proposed amendment of Condition 1, relating to the timescales for restoration, potentially provides an opportunity to review and enhance the proposed restoration and after-use of the quarry (for the Phase 1 area, at least) to maximise the creation of this priority habitat.

At present, the restoration scheme for the quarry proposes that the western third and southern half of the Phase 1, covering approximately 5ha in total, should become '*ecological areas to be left to colonise naturally and achieve habitat and species diversity*'. The creation of 'ecological areas' is to be welcomed. Also, natural colonisation is likely to provide some ecological benefits, such as allowing the establishment of fauna that is native to the site.

However, whilst some diversity of habitats and species might be desirable, the emphasis should be on the creation of the most important, locally appropriate priority habitat. In this instance, that would be lowland calcareous grassland.

The creation of lowland calcareous grassland entails pro-active management both during the operational phase and post-restoration, for example, by removing scrub and by using appropriate livestock for grazing. Using seed from donor calcareous grassland sites in the Cotswolds AONB may also be appropriate.

As this is a relatively isolated location for lowland calcareous grassland, the scale of habitat creation also needs to be re-considered, with the restored area of this priority habitat ideally being more than 10ha. Lowland calcareous grassland can also take several decades to become fully established. As such, a longer term after-care period (e.g. 25 years) should also be considered.

Recommendations

If planning permission is granted, the restoration scheme should be reviewed and updated such that it prioritises the creation and management of lowland calcareous grassland and addresses the issues outlined above.

As it is several years since Phase 1 has been worked, an ecological assessment of the site should be undertaken prior to re-commencing works to identify important ecological features. Measures should then be put in place to: (i) conserve and enhance these features; and (ii) mitigate adverse impacts on these features, both during the operational phase and during and following restoration.

The applicant should also be required to demonstrate how the development would deliver significant net-gains in biodiversity.

EIA SCREENING OPINION

The Board is disappointed that Oxfordshire County Council's Environmental Impact Assessment (EIA) Screening Opinion, dated 13th December 2018, does not follow the correct Screening Opinion procedure. The Screening Opinion states that the development is not in a Sensitive Area. This is not the case. The development lies in the Cotswolds AONB and AONBs are classed as a Sensitive Area under Part 1 Regulation 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The Schedule 2 'applicable thresholds and criteria' do not apply in Sensitive Areas, including AONBs. It is, therefore, inappropriate for the County Council to apply these thresholds and criteria when undertaking the EIA Screening Opinion procedure. For Schedule 2 development in an AONB, the EIA screening assessment should be based on the selection criteria specified in Schedule 3 of the EIA regulations, rather than the County Council pre-empting that the development would not have significant effects in the environment. Particular consideration should be given to the statutory purpose of conserving and enhancing the natural beauty of the Cotswolds AONB, including its 'special qualities'.

ANNEX 2. COTSWOLDS AONB LANDSCAPE STRATEGY AND GUIDELINES – RELEVANT ‘FORCES FOR CHANGE’, ‘POTENTIAL LANDSCAPE IMPLICATIONS’ AND ‘LANDSCAPE STRATEGIES AND GUIDELINES’ RELATING TO LANDSCAPE CHARACTER TYPE 7 (HIGH WOLD)

One of the forces for change that the LSG identifies for LCT7 is the ‘*expansion of existing quarry operations*’ (7.5). The potential landscape implications of this force for change include:

- Visual impact of quarry and quarry traffic.
- Loss of tranquillity due to noise, movement, lighting and dust.

The recommended landscape strategies and guidelines to address these implications include:

- Paying regard to the impact of small scale quarrying operations on local landscape character, heritage and nature conservation interests.
- Promote ‘local stone for local use’.

Another relevant force for change is ‘*road upgrading and improvements, especially of minor country roads, as a result of development*’ (7.12). The potential landscape implications of this force for change include:

- Introduction of suburban features.
- Use of inappropriate materials.
- Increased traffic movement.
- Loss of roadside hedges and walls.
- Loss of verge / roadside habitat.

The recommended landscape strategies and guidelines to address these implications include:

- Conserve the character of the local road network.
- Minimise the use of road markings, permanent signage and lighting.
- Avoid making over-large and inappropriate entrances and keep visibility splays to a minimum.
- Seek opportunities to conserve and enhance roadside boundaries and habitats and their long term management.
- Promote road verge protection and management.

The other force for change of most relevance to the proposed development is ‘*excessive traffic and / or speed on minor local roads and lanes*’ and ‘*increase in size of vehicle using country lanes*’ (7.13). The potential landscape implications of this force for change include:

- Promote traffic restriction measures such as lorry routing maps.
- Ensure traffic management measures reflect the character and materials of the area.