



Linda Townsend  
Gloucestershire County Council  
Shire Hall  
Westgate Street  
Gloucester  
GL1 2TG

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

5 November 2020

Dear Linda

**APPLICATION NO:** 20/0030/CWMAJW

**DESCRIPTION:** Proposed increase in importation of waste for feedstock for the existing Anaerobic Digester Plant from 70,000 tonnes up to 120,000 tonnes annually

**LOCATION:** Stanleys Quarry, Greenway Road, Blockley, Gloucestershire

Thank you for making me aware of the applicant's rebuttal of the Cotswolds Conservation Board's objection to planning application 20/0030/CWMAJW.

The Board would like to address the topics that have been raised in the applicant's rebuttal:

- Nature and scale of the proposed development.
- Potential for significant adverse impacts on the purpose of Area of Outstanding Natural Beauty (AONB) designation – tranquillity.
- The weight that should be given to the comments of the Cotswolds Conservation Board and to the Board's Position Statements.

### **Nature and scale of the proposed development**

The Board acknowledges that the decision as to whether the proposed development constitutes major development, in the context of paragraph 172 of the National Planning Policy Framework (NPPF), is a matter for the County Council. In our original consultation response, we were simply expressing our opinion on this issue. The Board also acknowledges that the proposed development is an expansion of an existing strategic waste facility.

However, the proposed increase in the quantity of waste material to be imported is, itself, of a scale that the Gloucestershire Waste Core Strategy (WCS) considers to be strategic (i.e. an increase of 50,000 tonnes per annum (tpa)). Another important consideration is that the proposed development represents a significant 71% increase in the amount of waste that would be imported, compared to the current baseline of 70,000tpa. This proposed, strategic-level increase in scale would also be taking place outside the location specified in Core Policy WCS5 of the WCS for anaerobic digestion proposals of 50,000 tpa or more.

For these reasons, we maintain our opinion that the nature and scale of the proposed development are such that it should be considered to be major development in the context of paragraph 172 of the NPPF, even taking the current baseline into account.

#### **Cotswolds Conservation Board**

The Old Prison, Fosse Way, Northleach  
Gloucestershire GL54 3JH  
01451 862000  
[info@cotswoldsaonb.org.uk](mailto:info@cotswoldsaonb.org.uk)

The Cotswolds National Landscape is a designated Area of Outstanding Natural Beauty (AONB), managed and looked after by the Cotswolds Conservation Board.

[cotswoldsaonb.org.uk](http://cotswoldsaonb.org.uk)

*Chairman:*  
**Brendan McCarthy**  
*Vice Chair:*  
**Rebecca Charley**

As outlined in the next section, we also maintain our opinion that the proposed development has the potential to have a significant impact on the purpose of AONB designation, due to the potential impact of the associated HGV movements on the tranquillity of the AONB.

As indicated in our original response, the applicant has not adequately addressed the assessments that the NPPF specifies for such major development. This assertion has been reinforced by the latest comments from the County Council's Minerals and Waste Policy team, dated 20 October 2020 (but shown as 3 November on the County Council's 'Public Access' system). For example, these comments make it very clear that the applicant has not provided sufficient evidence to demonstrate that '*there is a lack of alternative sites not affecting the AONB to serve the market need*'.<sup>1</sup> This is one of the requirements of Core Policy WCS14 of the WCS. As such, the proposal does not comply with the WCS.

### **Potential for significant adverse impacts on the purpose of AONB designation – tranquillity**

As indicated in the Board's original consultation response (and as acknowledged in the applicant's rebuttal), we recognise that traffic / HGV movements associated with Stanley's Quarry, in terms of the entirety of the operations at the quarry, would be less, if the planning application is approved, than they were in 2015.

However, our comments highlight that an *additional* material consideration should be the extent to which: (i) HGV movements have decreased in the intervening period; and (ii) the extent to which the proposed development would increase HGV movements compared to the *current* baseline. Similarly, a further, related material consideration should be the extent to which: (i) the tranquillity of the Cotswolds National Landscape in this locality will have increased in the intervening period as a result of the reduction in HGV movements; and (ii) the extent to which the proposed development would reduce this tranquillity, compared to the *current* baseline.<sup>2</sup>

The assessment of traffic data that we provided in our consultation response remains perfectly valid in this context. Presenting the data in this way is also consistent with the Policy CE4 (Tranquillity) of the Cotswolds AONB Management Plan. For example, it helps to quantify the extent to which the tranquillity of the AONB would be affected by the change in HGV movements, compared to the *current* baseline.

The Board disagrees with the applicant's assertion that the approach that we have taken here differs from the approach that we took in the Cotswold Hill Quarry appeal (i.e. just having regard to HGV movements associated with the AD plant / quarry, rather than the change in HGV movements on nearby roads). Our original consultation response explicitly addressed this issue:

- *The Board acknowledges that the total % increase in HGV movements on the adjacent B4081 could potentially be less than this 38% figure, given that there may also be some HGV movements associated with Westington Quarry on this section of the B4081. However, in the absence of a comprehensive assessment by the applicant of total HGV movements on the B4081, this 38% figure is the most useful reference point.*

Given the points outlined above, we consider that it is inappropriate for the applicant to suggest that the Board is being 'disingenuous' in the approach that we are taking.

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<sup>1</sup> This equates to major development test (b) in paragraph 172 of the NPPF.

<sup>2</sup> The 10% rule of thumb figure in Section 4.5 of the Board's Tranquillity Position Statement can be used as a basis for this assessment.

## The weight that should be given to the comments of the Cotswolds Conservation Board and to the Board's Position Statements

We acknowledge that the Board is not, currently, a statutory consultee. As such, we acknowledge that the Board's comments have less weight in the planning balance than the comments of statutory consultees. However, it is not appropriate for the applicant to conflate the focus of the Board's comments with the focus of the Highways department's comments. The Highways department's comments focus on safety and congestion issues whereas the Board's comments focus on HGV movements in relation to their impact on the tranquillity of the AONB. These are two separate, albeit related, issues.

In addition, it is worth noting that statutory consultee status for AONBs is one of the proposals of the Government-commissioned 'Landscapes Review' Final Report. Furthermore, we consider that the principle of the planning authority having regard to the comments of the Cotswolds Conservation Board is a key element in fulfilling the statutory duty to have regard to the purpose of AONB designation (under Section 85 of the Countryside and Rights of Way Act 2000).

With regards to the weight that should be given to the Board's Position Statements, it is important to note that Core Policy WCS14 (Landscape) of the Gloucestershire Waste Core Strategy (WCS) requires that:

- *Proposals for waste development within ... the Cotswolds ... Area of Outstanding Natural Beauty (AONB) will only be permitted where it can be demonstrated that ... the impact on the special qualities of the AONB as defined by the relevant management plan ... can be satisfactorily mitigated.*

The Cotswolds AONB Management Plan identifies that the tranquillity of the Cotswolds AONB is one of the area's special qualities. This tranquillity is addressed in Policy CE4 of the AONB Management Plan. The Tranquillity Position Statement expands on Policy CE4 by providing additional context and guidance and setting out key recommendations relating to this special quality. Therefore, the Board would argue that, in order to comply with Core Policy WCS14 of the WCS, a proposal for waste development within the AONB would need to be consistent with Policy CE4 of the AONB Management Plan. To be consistent with Policy CE4 of the AONB Management Plan, it would need to be consistent with the Tranquillity Position Statement.

Whilst the tranquillity of the Cotswolds AONB is a special quality of the area in its own right, it is also a key component of the landscape character of the AONB. Paragraph 172 of the NPPF specifies that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. As such, it follows that great weight should also be given to *conserving and enhancing* the tranquillity of the AONB. This principle should apply regardless of whether the proposal is considered to be major development.

Taking on board all of the above points, we consider that the merit and substance of our objection - and the weight that should be given to it by the planning authority - remain unaffected by the applicant's rebuttal.

Yours sincerely,



John Mills  
**Planning & Landscape Lead**  
[john.mills@cotswoldsaonb.org.uk](mailto:john.mills@cotswoldsaonb.org.uk) | 07808 3912