



Linda Townsend
Gloucestershire County Council
Strategic Infrastructure
Shire Hall
Gloucester
GL1 2TH

By email only to: planningdc@gloucestershire.gov.uk

30 November 2021

Dear Linda,

APPLICATION NO: 21/0050/CWS73M

DESCRIPTION: Variation of condition 2 (revise restoration date from 25.11.2051 to 31.12.2034); Condition 3 (revise working scheme including revised location of stone processing shed and replacement office/welfare facilities) and condition 7 (revise export limits to 100,000 tpa from 50,000 tpa for 3 years) relating to planning consent 14/0101/CWMAJM for extension to existing quarry, dated 21/05/2015

LOCATION: Oathill Quarry, Fiddlers Green, Temple Guiting, Gloucestershire, GL54 5SG

Thank you for consulting the Cotswolds Conservation Board ('the Board') on this proposed development, which would be located within the Cotswolds National Landscape.¹

The Board **objects** to this application to vary conditions 2 and 7 pursuant to planning consent 14/0101/CWMAJM. The main reasons for this objection are as follows:

- 1) We acknowledge that, based on the applicant's supporting evidence, the increase in HGV movements on local roads resulting from the proposed variation of condition 7 would be less than 10% above the current level of HGV movements. However, the adverse effects of the existing baseline level of HGV movements are already of concern. The proposed increase would further exacerbate these adverse effects and we consider that this increase is of at least moderate significance and certainly not 'negligible' as suggested by the applicant. Therefore, in our view, the proposed variation of condition 7 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'. Furthermore, the adverse impacts associated with this individual proposal would further exacerbate the cumulative impact of the cluster of quarries within close proximity to Oathill Quarry.
- 2) The proposed variation of condition 7 would lead to an increase in the production and export of agricultural lime from the quarry. 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. Exporting agricultural lime does not contribute to this objective and the production of agricultural lime should, as far as practical, be sourced from outside AONBs.
- 3) The inadequate proposals for the restoration of the quarry in support of the application to vary condition 2 would fail to deliver a restoration which is in keeping with the character of the landscape.

Cotswolds Conservation Board

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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

Chairman:
Brendan McCarthy
Vice Chair:
Rebecca Charley

This issue is exacerbated by the proposed increase in output resulting in insufficient material being left onsite to effectively restore the site.

There are also a number of details contained within the submission upon which the Board would seek clarification from the Applicant. These are outlined in Annex 1 below.

In reaching its planning decision, the minerals planning authority (MPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape.² The Board recommends that, in fulfilling this 'duty of regard', the MPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account the following Board publications:

- Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023 ([link](#));
- Cotswolds AONB Landscape Character Assessment ([link](#)) particularly, in this instance, with regards to Landscape Character Type (LCT) 7 (High Wold);
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) particularly, in this instance, with regards to LCT 7 ([link](#)), including Section 7.5;
- Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#));
- Cotswolds Conservation Board Position Statements ([link](#)) particularly, in this instance, with regards to Tranquillity Position Statement ([link](#)) particularly, in this instance, with regards to Section 4.5 Traffic and vehicle movements.

As you will be aware, the Board has previously objected to the proposed increase in output at Oathill Quarry on a number of occasions, in letters dated:

- 28 September 2018, in response to planning application 18/0010/CWMAJM;
- 31 May 2019, in response to planning application 19/0032/CWMAJM;
- 1 July 2019, in response to the same planning application;
- 15 June 2020, in response to planning application 19/0086/CWMAJM; and
- 22 January 2021, in response to the same planning application.

These letters are appended to Annex 1 below. Much of the justification for the Board's objection, particularly in relation to tranquillity and the impact of additional HGV movements was outlined in the letters dated 31st May 2019 and 15th June 2020. Therefore, this response should be considered in addition to these previous responses.

If you have any queries regarding the information provided in this response, please do not hesitate to get in touch.

Yours sincerely,



Simon Joyce

Planning Officer

simon.joyce@cotswoldsaonb.org.uk | 07808 391227

NOTES:

- 1) Cotswolds National Landscape is the new name for the Cotswolds Areas of Outstanding Natural Beauty (AONB). The new name takes forward one of the proposals of the Government-commissioned 'Landscapes Review' to rename AONBs as 'National Landscapes'. This change reflects the national importance of AONBs and the fact that they are safeguarded, in the national interest, for nature, people, business and culture.
- 2) Section 85 of the Countryside and Rights of Way Act 2000.
www.legislation.gov.uk/ukpga/2000/37/section/85
- 3) The documents referred to in our response can be located on the Cotswolds National Landscape website under the following sections
 - a. Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023
www.cotswoldsaonb.org.uk/management-plan
 - b. Cotswolds AONB Landscape Character Assessment
www.cotswoldsaonb.org.uk/lca
 - c. Cotswolds AONB Landscape Strategy and Guidelines
www.cotswoldsaonb.org.uk/lsg
 - d. Cotswolds AONB Local Distinctiveness and Landscape Change
www.cotswoldsaonb.org.uk/ldlc
 - e. Cotswolds Conservation Board Position Statements
www.cotswoldsaonb.org.uk/ps1
www.cotswoldsaonb.org.uk/ps2

ANNEX 1. COTSWOLDS NATIONAL LANDSCAPE CONSULTATION RESPONSE IN RELATION TO PLANNING APPLICATION 21/0050/CWS73M

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 nation’s 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 Tranquillity Position Statement ([link](#)), which was adopted by the Board on 25 June 2019. This Position Statement should be treated as a material consideration.

Much of the justification for the Board’s objection in relation to tranquillity and the impact of additional HGV movements resulting from increased workings at Oathill Quarry was outlined in the comments that we submitted on 31 May 2019 and 15 June 2020 in response to previous applications seeking to increase production above the currently permitted 50,000tpa. Therefore, this response should be considered in conjunction with these previous responses which are appended below for ease of reference. In addition to those previous comments, the Board wishes to raise the following additional observations in relation to the assessments of transport movements, noise and dust which support this application.

HGV movements

The applicant’s Transport Assessment dates from December 2019 and partly relies upon baseline traffic survey data from January 2018 which is now almost four years old. The Transport Assessment concludes that the percentage change as a result of the development trips on the highway network are considered to be ‘negligible’ in terms of impacts on the network as they fall below the 10% change in traffic flow or HGV flow threshold for an adverse impact. The Board notes the response of the Council’s Highways Development Control team, dated 18 November 2021 where, based on the analysis of the information submitted, the Highway Authority concludes that this application would not result in an unacceptable impact on highway safety or a severe impact on congestion.

It is worth noting that the 10% ‘rule of thumb’ threshold referred to by the applicant is the level above which a development might be considered to have significant adverse impacts and merit an Environmental Impact Assessment. Increases in HGV movements of less than 10% could still be considered to have an adverse impact of up to moderate significance, rather than the negligible significance implied in the applicant’s environmental statement. The Board’s view therefore is that the additional impact of up to a 5.9% increase in HGV flows on local roads is not acceptable as the impacts of the existing baseline traffic movements in the area are already significantly harmful to the tranquillity of the AONB.

Noise

The accompanying Noise Assessment merely examines the potential increase in noise above those current levels rather than provide any consideration as to whether current noise levels are already above guidance limits. The applicant’s EIA Noise Assessment refers to noise measurements that were conducted in Ford and two other locations between 16 and 26 August 2019. The Board supports the views expressed by Temple Guiting Parish Council (TGPC) in its consultation response dated 26 October 2021 that the Noise Assessment (Tables 3.8 and 3.9) demonstrates that residents in Ford are

subjected to noise levels from HGVs that already exceed current guidance levels as outlined in Guidelines for Highways LA111.

Dust

In respect of dust, the Board supports the view of the Environmental Health Manager at Cotswold District Council in their response dated 8 October 2021 that further information is required concerning dust levels locally (and indeed noise levels from HGV movements), particularly through the village of Ford where levels of dust, noise and vibration from HGVs are of concern to the Board and local residents. It is noted that the applicant has not carried out dust or vibration assessments in this location.

Lack of measures to enhance tranquillity

This planning application also does not consider or recommend measures to enhance the tranquillity of the Cotswolds AONB, for example, by removing and / or reducing existing sources of noise pollution and other aural and visual disturbance, as required by Policy DM09 (part b) of the Gloucestershire Minerals Local Plan 2018-2032 (GMLP) and advocated by Policy CE4 of the Cotswolds AONB Management Plan 2018-2023. TGPC has outlined in its response to this application that current baseline noise, dust and vibration levels are already unacceptable for local residents and the Board strongly recommends that further applications to intensify activity at Oathill should be accompanied by appropriate mitigation and enhancement measures.

In summary it is the Board's view that the adverse impacts on tranquillity arising from this proposal would conflict with Policies CE3 and CE4 of the Cotswolds AONB Management Plan 2018-2023 and the requirements of Policies DM01 and DM09 (part b) of the GMLP and paragraph 211b of the National Planning Policy Framework.

Cumulative impacts

Adopted GMLP Policy DM02 is clear in outlining what might create a cumulative impact(s), including multiple activities taking place on a single site and / or as a result of a combination of activities across several mineral development sites. The Secretary of State in his letter dated 17 July 2019 took the view that further assessment of cumulative impacts of proposals at Oathill and other nearby quarries was required when responding to the applicant's request for an Environmental Impact Assessment screening direction in connection with their application to vary condition 7 of the original consent to allow for an increase in production to 100,000 tonnes per annum.

This application is therefore supported by an Environmental Statement in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. Schedule 4 paragraph 5 of the EIA Regulations requires "*A description of the likely significant effects of the development on the environment resulting from, inter alia: (e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources*".

It is the Board's view that the Environmental Statement submitted in support of this application does not adequately address the cumulative impacts of quarrying activities across the cluster of quarries in the locality of Buckle Street and the B4077. For example, paragraph 3.1.1 of the applicant's EIA Transport Chapter, dated December 2019, states that "*traffic movement associated with surrounding quarry sites in the area is included within the above traffic flow analysis within the recorded baseline. Therefore no cumulative traffic impacts are predicted*".

However, since the Secretary of State issued his screening direction and the supporting chapters of the Environmental Statement were prepared, other quarries in this cluster are seeking to either continue, increase and / or re-start output with the result being that the cumulative operations are having an increasingly significant impact on the tranquillity of the AONB and its communities. For example, the applicant's submission does not take into account the reopened Guiting Quarry and the restoration works at Cotswold Hill Quarry which are now taking place with the latter having no restriction on HGV movements.

The Board both notes and supports the detailed representations made by TGPC on the transport consequences which would arise from the proposed increase in output, including traffic hazard, noise, dust and vibration and the cumulative impacts of this proposal in combination with recent increased movements from other quarries in the local area. Moreover, and as previously outlined in our response to planning application 19/0086/CWMAJM dated 22 January 2021, the Board recommends that in order to address these issues a comprehensive assessment of cumulative impacts across this quarry cluster is required.

This also reflects the view of the MPA's Policy team expressed in their consultation response to this application that *"The possibility of unacceptable cumulative impacts is also a matter worthy of careful consideration"*. The Board also agrees with the view of the MPA's Policy team that it would not be unreasonable for anticipated future impacts to be factored into the assessment including permitted, but yet to be implemented developments along with allocations that have not been subject to planning applications.

Ideally, this assessment should be commissioned by the County Council, rather than by the quarry operators. Measures should then be put in place to manage these cumulative impacts in a way that allows for appropriate provision of dimension stone products whilst minimising adverse impacts on the Cotswolds National Landscape and on the amenity of local communities. We also recommend that planning decisions relating to this quarry cluster should be deferred until after this assessment has been undertaken.

The Board further supports the Council's Enforcement officer's comment of 23 September 2021 relating to the need for controlled routes due to increased use of unsuitable roads in the area by some hauliers which negatively impact not just highway safety, but the tranquillity of the AONB.

Therefore, in the absence of an up-to-date, comprehensive assessment, it is the Board's view that the applicant's Environmental Statement has not been prepared in compliance with EIA regulations and that the cumulative adverse impacts arising from this proposal could conflict with the requirements of Policy DM02 of the GMLP 2018-2032.

Production of agricultural lime and policy conflict

As indicated in our response to the previous planning applications at Oathill, the Board recognises that provision should be made for the quarrying of limestone, at an appropriate scale, in order to provide building materials that help to maintain and enhance the local distinctiveness of the AONB, as stated in Policy CE3 of the Cotswolds AONB Management Plan 2018-2023.

However, exporting agricultural lime and crushed aggregate does not contribute to this objective which becomes undermined when the by-products of the quarry operation become the main output, as is the case at Oathill Quarry. It is the Board's view that in line with national planning policy (as expressed at paragraph 211a of the National Planning Policy Framework), the production of agricultural lime should, as far as practical, be sourced from outside AONBs. This view is supported by the MPA's Policy officer who notes in their consultation response that *"Crushing to generate an exportable, lower-value (and more freely available product) quarry-produced, limestone-based soil*

fertiliser should be appropriately constrained". This view also aligns with the requirements of Policy DM09 (part b) of the GMLP and paragraph 177 of the NPPF, both of which require the demonstration of 'exceptional circumstances' for major development proposals such as this within the Cotswolds AONB.

The applicant's Transport Statement confirms that agricultural lime already is, and will continue to be should this application be permitted, the main mineral product of Oathill Quarry. Table 2.1 of the Transport Statement Addendum shows that lime and aggregates together provided over 75,000t of the quarry's 83,000t output in 2019. In other words, these by-products constituted 90% of the quarry's 2019 output. Table 5.5 of the Transport Statement estimates that 4,821 HGV loads will leave the site annually should the variation of condition 7 be permitted. 2,501 of these would be for agricultural lime (52%), 1,501 for crushed aggregate (31%) and only 819 for block or walling stone (17%).

Furthermore, the applicant's evidence base¹ 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 the applicant is continuing to operate the quarry in breach of 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 supports the Board's view expressed above that agricultural lime is actually the main mineral product of the quarry.

Whilst the Board recognises that the production of some by-product is an inevitable part of the quarrying process, it recommends that, in order to be consistent with Policy CE3 of the Cotswolds AONB Management Plan 2018-2023, agricultural lime and crushed aggregate, combined, should not be permitted to constitute more than 50% of the total output. Dimension blockstone and walling stone should constitute at least 50% of the total output. Given the relatively low level of production of blockstone and walling stone (which constituted only 10% of output in 2019), there appears to be little justification for increasing total output on this basis. The applicant has previously disagreed with this assertion, arguing that a higher proportion of by-product needs to be produced (and exported) in order to operate the quarry viably to access the high-quality dimension stone. It is the Board's view that this issue could potentially, at least to some degree, be addressed by managing the by-product on-site.

Therefore, the Board objects to this application due to its conflict with Policy CE3 of the Cotswolds AONB Management Plan 2018-2023 and the requirements of Policy DM09 (part b) of the GMLP and paragraphs 177 and 211a of the NPPF.

Proposals for restoration

This application seeks to vary condition 2 of the approved 14/0101/CWMAJM application to bring forward site restoration by 31 December 2034. Paragraph 211e of the NPPF states that *"In considering proposals for mineral extraction, minerals planning authorities should...e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions"*.

David Jarvis Associates drawing 2180-2 DR-0007 S4-P4 shows the new proposed restoration however, whilst the application notes that the shortening of the life of the quarry is due to a revised review of

¹ The letter of support from R&T Liming in Appendix 1 of the applicant's Supporting Statement

the volume and depths of the Guiting Gold dimension limestone, there appears to be no detailed reference to how this reflects on the previously approved restoration proposals.

There is also no reference within the Environmental Statement to the restoration plan changes and no assessment of the landscape and visual impact benefits or disbenefits of the new scheme compared with the previously approved restoration plan 2180/C28/1 submitted as part of application 16/0031/COMPLI.

The Board is particularly concerned that the proposed reinstatement scheme on the one hand seemingly fails to retain material onsite for restoration purposes (which is the Board's preference) whilst on the other hand also fails to outline requirements to import materials. A consideration of alternative working schemes to preserve material for reinstatement has also not been included.

Policy MW02 of the adopted GMLP states that *"supplementary working .. for non-building stone purposes will not prejudice the ability to achieve future site restoration that accord(s) with policy MR01"*, however this application seeks permission to remove nearly 700,000 tonnes of material from the site, leaving none for its restoration. This is also contrary to GMLP driver E *'Reducing the impact of mineral transport'*. The Board notes and supports the view of the MPA Policy team that *"it is the longstanding view of the MPA that intensive, uncontrolled mineral working will risk undermining the delivery of acceptable restoration. It is a consequence of the over-working of minerals. The only resolvable restoration solution is to allow the importation of restoration material – this is an undesirable activity generally (and particularly in the AONB) that shouldn't need to occur"*.

In respect of HGV movements, the Board's view is that, on balance, the adverse effect of doubling HGV movements up to 2034 would outweigh the potential benefits of bringing forward the date at which HGV movements will end and it also supports the objections of TGPC to the proposed restoration scheme, particularly those outlined on pages 2-3 of its consultation response.

Clarification regarding details contained in the application

Having reviewed the applicant's submission, the Board shares the concerns expressed by the MPA's Policy team and its consultant, Atkins, in respect of a number of details contained within the application. These include:

1. The application to vary condition 7 and increase production for a period of three years only proposes an overall limit, rather than limits by product type;
2. The rate of proposed export after the three-year temporary period does not appear to align with a return to the previously permitted export limit;
3. Estimated reserve tonnages stated in the applicant's Geological Review do not match those quoted in the Supporting Statement;
4. Concern is raised by Atkins about face stability and the possibility of generating a significant hazard.

The Board recommends that the applicant provides further information on these matters before the application is determined.

Conditions

Notwithstanding the Board's objection to this application and without prejudice, should the Minerals Planning Authority be minded to approve this application, the Board would agree with the MPA's Policy team that specific restrictive conditions must be imposed in relation to:

1. Appropriate control over the duration of quarrying activities at the site, to minimise the presence of adverse impacts on the special qualities of the AONB in line with policies DM01 and DM09 of the GMLP;
2. Limiting the overall amount of material exported from the site, both during the next three years and afterwards. As outlined above, with the proposed variation to condition 7, it is critical that any condition is carefully worded to ensure that the original permitted limits are reverted to once the temporary period ends. This is essential to avoid the risk of further unacceptable impacts on the AONB occurring from a longer-term intensification of operations (GMLP Policy DM09), to ensure that sufficient material is retained on-site to support an acceptable restoration (GMLP Policy MR01) and to ensure that finite mineral resources are safeguarded for their best use (as directed by the NPPF);
3. Limiting the nature of mineral working by way of restrictions on the type of product being produced (dimension stone/agricultural lime/crushed aggregate). This would also avoid the risk of further unacceptable impacts on the AONB occurring from an intensification of operations (GMLP Policy DM09) and help to ensure that sufficient material is retained on-site to support an acceptable restoration (GMLP Policy MR01); and
4. Limiting the future importation of materials to the site to minimise the risk of unacceptable impacts on the AONB (GMLP Policy DM09).

APPENDICES: PREVIOUS OATHILL QUARRY APPLICATION RESPONSES OF THE COTSWOLDS CONSERVATION BOARD

- 28 September 2018, in response to planning application 18/0010/CWMAJM;
- 31 May 2019, in response to planning application 19/0032/CWMAJM;
- 1 July 2019, in response to the same planning application;
- 15 June 2020, in response to planning application 19/0086/CWMAJM; and
- 22 January 2021, in response to the same planning application.

Cotswolds Conservation Board
Fosse Way
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28th September 2018

Linda Townsend
Senior Planner
Gloucestershire County Council

By email to Linda.Townsend@gloucestershire.gov.uk

Dear Ms Townsend

18/0010/CWMAJM. Retrospective variation of conditions at Oathill Quarry, Temple Guiting, Gloucestershire

I am writing to inform you that the Cotswolds Conservation Board ('the Board') **OBJECTS** to planning application 18/0010/CWMAJM.

The reason for this objection is the significant adverse effect that the proposed development would have – and is already having through non-compliance with the current planning permission - on the Cotswolds Area of Outstanding Natural Beauty (AONB). In particular, we object to the significant adverse effect that the proposed development would have on the 'tranquillity' of the AONB.

Further details of the Board's objection are provided 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 application 18/0010/CWMAJM (Oathill Quarry)

1.0 SUMMARY

- 1.1 The Cotswolds Conservation Board ('the Board') **OBJECTS** to planning application 18/0010/CWMAJM, relating to the proposed increase in output at Oathill Quarry.
- 1.2 The reason for this objection is that the three-fold (300%) increase in HGV movements that would result from the proposed planning condition variations (compared to the currently permitted HGV movements) would have a significant adverse impact on the Cotswolds Area of Outstanding Natural Beauty (AONB). In particular, the proposal would have a significant adverse impact on the 'tranquillity'¹ of the AONB, which is one of the AONB's 'special qualities'².
- 1.3 The proposal would constitute major development under paragraph 172 of the National Planning Policy Framework. As such, the applicant should be required to demonstrate, inter alia, that non-AONB sources of mineral supply are not practically available. In addition, the proposal does not comply with the policies of the draft Minerals Local Plan for Gloucestershire and does not have regard to the policies of the Cotswolds AONB Management Plan or the Board's Position Statements.
- 1.4 Given that the proposed development relates to a quarry within an AONB and is considered, by the Board, to have a significant adverse impact on the Cotswolds AONB, the Board recommends that an Environmental Impact Assessment (EIA) should be undertaken by the applicant. This EIA should assess, inter alia, the cumulative impact of this development in combination with the impact of other quarries in the local area, including the cumulative impacts of HGV movements.
- 1.5 It should be noted that the applicant is already contravening the planning conditions imposed on this development, which constitutes a breach of planning control against which enforcement action can be taken. Appropriate enforcement action should therefore be taken to ensure that the applicant complies with the current planning conditions and does not contravene these planning conditions in future.

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 when having 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 England³. The Board has produced a version of this tranquillity map specifically for the Cotswolds AONB⁴.

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

⁴ 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>

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. The map shows that the AONB in the vicinity of Temple Guiting has a particularly high level of tranquillity (as of 2007).

3.0 THE IMPACT OF THE PROPOSED DEVELOPMENT ON THE TRANQUILLITY OF THE COTSWOLDS AONB

- 3.1 The applicant's Transport Statement concludes that '*the increase in output proposed through this application to vary Condition 7 does not result in a significant increase in output at the quarry*'. However, this is based on the existing operational output of the quarry, which is already well in excess of the current planning conditions. For example, in 2017, there were 52 HGV movements per day, whereas the current planning conditions equate to a maximum of 20 HGV movements per day. As such, the Transport Statement is being very misleading by implying that proposed development would not result in a significant increase in output.
- 3.2 The comparison that *should* be made is to compare the output and HGV movements that would be permitted in the proposed condition variations with the output and HGV movements that are currently permitted. When considered on this basis, **the proposed planning condition variations represent a threefold (300%) increase in output and HGV movements**, from 20 HGV movements per day⁵ to 58 HGV movements per day⁶. When compared with the output that was permitted prior to 2013, the proposed condition variations represent a 450% increase in output and associated HGV movements.
- 3.3 The applicant's Transport Statement fails to provide a figure for the total number of HGV movements that would occur on the B4077 if the quarry operated within its current planning conditions (i.e. 20 HGV movements per day into / out of the quarry). From the data provided in Tables 3.2 and 3.3 of the Transport Statement, it can be extrapolated that there are approximately 156 HGV movements per day on the B4077 adjacent to Oathill Quarry. Approximately 52 of these HGV movements relate to HGV movements into / out of the quarry (based on the 2017 figure provided in Table 4.2 of the Transport Statement). If the quarry was complying with the planning condition of only having 20 HGV movements per day into / out of the quarry, the total number of HGV movements on the B4077 would be reduced by 32 to approximately 124. In contrast, the proposed planning condition variations would allow for up to 58 HGV movements per day, which would increase the total number of HGV movements on the B4077 to 162. On this basis, **the proposed planning condition variations would lead to a 31% increase in the total number of HGV movements per day on the B4077**.
- 3.4 Given the relatively minor status of the roads that would be used by the HGV movements and the small size of the villages that the HGVs would pass through, **the Board considers that the threefold increase in HGV movements per day (and the associated 31% increase in HGV movements on the B4077) would have a significant adverse impact on the tranquillity of the AONB**. This opinion is reflected in the comments of the Highways Development Management team at Gloucestershire County Council, which identified that '*the increase in [HGV] flows*

⁵ Table 4.3 of the applicant's Transport Statement

⁶ Table 5.1 of the applicant's Transport Statement

would be material (i.e. users of the highway will recognise the increase due to additional noise, dust and inconvenience)'.

4.0 LEGAL / POLICY CONTEXT

4.1.1 Environmental Impact Assessment (EIA)

4.1.2 The Board disagrees with the County Council's Screening Opinion, dated 22 February 2018, which states that:

- *'The proposal ... is not ... considered to be so significant as to warrant the production of an EIA.*
- *The increase in HGV movements is not considered to have a significant or adverse impact on the traffic flows along the B4077 or the environmental designation of the Cotswolds Area of Outstanding Natural Beauty.*
- *The proposal is considered to benefit the designation of the Cotswolds AONB in that it enables the completion and restoration of a mineral site 16 years earlier than anticipated.'*

4.1.2 As indicated above, the Board considers that the proposal *would* have a significant adverse impact on the Cotswolds AONB, primarily due to the three-fold (300%) increase in HGV movements and the associated 31% increase in HGV movements on the B4077, when compared to the currently permitted baseline. Given that the proposal relates to a change to a Schedule 2 activity (i.e. a quarry), is located in a sensitive location (i.e. the Cotswolds AONB) and is considered, by the Board, to have a significant adverse impact, **the Board recommends that an EIA should be undertaken.**

4.1.3 The Board acknowledges that the earlier completion and restoration of the quarry could potentially have some benefits for landscape character, visual impact and biodiversity during the period 2035 to 2051 (i.e. the period between the proposed completion date and the current completion date). However, in the longer term (i.e. beyond 2051), the proposed earlier completion would not have any significant benefits.

4.1.4 In theory, the proposal would result in associated HGV movements ending at an earlier date than in the current permission. However, the Board considers that the significant increase in HGV movements up to 2035 (compared to the permitted baseline), as proposed in the planning application, would significantly outweigh the shorter timescales. In any case, there is no guarantee that quarry—related HGV movements in the local area would decrease, after 2035, as a result of the proposed planning condition variations. For example, the applicant may seek to extend the life of the quarry at a later date. In addition, once Oathill Quarry is completed, other quarries (and associated HGV movements) may be required in the local area in order to continue the supply of quarry products in the longer term.

4.1.5 When screening Schedule 2 projects, the local planning authority must take account of the selection criteria in Schedule 3 of the EIA Regulations⁷. Schedule 3 states that consideration should be given to '*cumulation with other existing development and / or approved development*'⁸. The Screening Opinion does not appear to have explicitly addressed this issue, which is a considerable oversight given that there are five

⁷ The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

⁸ Paragraphs 1(b) and 3(g) of Schedule 3.

working quarries in Temple Guiting parish alone, with many more quarries in neighbouring parishes of Guiting Power and Naunton⁹. If an EIA is undertaken, it should undertake an assessment of the cumulative impact of all of these quarry operations, particularly with regards to the number and impact of HGV movements on local roads and through villages, in line with Schedule 4 of the EIA Regulations¹⁰.

4.2 National Planning Policy Framework

- 4.2.1 The Board is of the opinion that the proposed development constitutes major development in the context of paragraph 172 of the National Planning Policy Framework (NPPF), based on the nature, the setting and (in particular) the scale of the proposal and the significant adverse impact that the proposal would have on the AONB. As such, **the Board recommends that the applicant should undertake the major development assessments specified in paragraph 172.**
- 4.2.2 These assessments should include, inter alia, an assessment of the need for the proposal (i.e. the threefold increase in output from the currently permitted baseline) and the scope for meeting the need in some other way. Consideration should be given to whether or not the end use of the quarried material specifically requires material that is extracted in the Cotswolds AONB or if the end use could be catered for by material that is extracted outside the AONB.
- 4.2.3 The Board acknowledges that provision should be made for the quarrying of limestone in the AONB, at an appropriate scale, where this helps to maintain and enhance local distinctiveness in the AONB (e.g. through the appropriate use of the limestone in new buildings and in the restoration of historic buildings in the AONB). The major development assessment should identify how much of the stone that is extracted at Oathill Quarry is used for this purpose.
- 4.2.4 If, following these assessments, the applicant cannot demonstrate exceptional circumstances or that the development is in the public interest, planning permission should be refused.

4.3 Minerals Local Plan for Gloucestershire

- 4.3.1 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 lifetime of Oathill Quarry. Therefore, in order to 'futureproof' the proposal, it should be considered in the context of the policies of the draft MLP.
- 4.3.2 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.*
- 4.3.3 For the reasons outlined above, the Board is of the opinion that the proposal does not comply with Policy DM10.
- 4.3.4 Policy DM02 (Cumulative Impact) states that:

⁹ Data taken from the planning application consultation response submitted by Temple Guiting Parish Council.

¹⁰ Paragraph 5(a) of Schedule 4.

- Minerals development proposals will be permitted where it can be demonstrated unacceptable cumulative impacts will not be generated from:
 - Within the mineral site for which a proposal is located; and / or
 - A number of minerals and non-mineral developments being concentrated in a locality.
- 4.3.5 The planning applications does not address the cumulative impacts of the proposal, in combination with the impacts of the other quarries - and associated HGV movements - in the vicinity. As indicated above, these impacts are likely to be significant and, therefore, unacceptable. As such, the Board is of the opinion that the proposal does not comply with Policy DM02.
- 4.3.6 Policy DM09 (Landscape) addresses similar points to paragraph 172 of the NPPF and the associated major development assessments. If the applicant cannot demonstrate that alternative non-AONB sources of mineral supply are not practically available, the development should not be permitted.
- 4.3.7 In addition, Policy DM09 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. As indicated above, it is the Board's opinion that the proposal *would* have adverse impacts in the special qualities of the AONB (in particular, the tranquillity of the AONB). As such the proposal does not comply with Policy DM09.

4.4 Cotswolds AONB Management Plan & Cotswolds Conservation Board Positions Statements

- 4.4.1 The Cotswolds AONB Management Plan should be a material consideration in planning decisions. The Management Plan identifies tranquillity as one of the special qualities of the AONB.
- 4.4.2 The Management Plan for the period 2013-2018 states, in Policy DTPI, that '*development should ... have regard to the impact on tranquillity*'. The Board has recently adopted a new AONB Management Plan for the period 2018-2023¹¹, which sets out a policy (Policy CE4), specifically on tranquillity. Policy CE4 promotes measures to avoid and minimise adverse impacts on tranquillity and to enhance tranquillity. Given that the proposal would have a significant adverse impact on tranquillity, it would be contrary to the policies of the Management Plan
- 4.4.3 The Board sets out a series of Position Statements which should also be a material consideration in planning decisions. The Board's Position Statement on Tranquillity and Dark Skies¹² states 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.*' Given that the proposal would lead to a significant increase in noise pollution and loss of tranquillity (particularly in terms of the increase in HGV movements through local villages), it would be contrary to Board's Position Statement.

¹¹ Adopted 20th September 2018.

¹² 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>

31st May 2019

Linda Townsend
Senior Planner
Gloucestershire County Council



By email to 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. This response relates to the issue of whether or not an Environmental Impact Assessment (EIA) should be required. **The Board recommends that an EIA *should be required*.** The reasons for this recommendation are outlined below.

As the Board indicated in its response to planning application 18/0010/CWM, increasing HGV movements associated with quarry operations in the Cotswolds Area of Outstanding Natural Beauty (AONB) has the potential to adversely affect the tranquillity of the AONB. 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 having regard to the statutory purpose of AONB designation (i.e. conserving and enhancing the natural beauty of the AONB) and when assessing the likely environmental impacts of proposed developments.

As outlined in the applicant's 'Supporting Statement', the proposed variation of Condition 7 would involve an additional 5,000 HGV movements per annum. 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 1,455 additional movements respectively). This equates to an increase of 67 additional HGV movements per day in August and 65 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 (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.

Under Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, a key consideration when screening Schedule 2 developments is '*the cumulation of the impact with the impact of other existing and/or approved development*'. Oathill Quarry is in close proximity to several other quarries, which collectively impose a large number of HGV movements on the local B roads and minor roads of this section of the Cotswolds AONB. Several of these quarries, over recent months and years, have either

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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 and on the tranquillity of the Cotswolds AONB.

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

An example of the extent to which local residents are affected by these HGV movements is the fact a resident of Ford recently recorded 27 HGV movements on the B4077, outside their house in Ford, in a 1.5 hour period. If the proposed variation to Condition 7 was permitted, the number of HGV movements could potentially increase by an average of nine HGV movements over the same time period in the months of August and September (assuming that all of these additional HGV movements passed through Ford). This would represent a 33% increase in the total number of HGV movements through the village.

Taking all of these points into consideration, the Board considers that the proposed variation of Condition 7 would have a significant adverse effect on the tranquillity of the Cotswolds AONB, especially when considered in conjunction with the cumulative effects of HGV movements of other nearby quarries. As such, it would also have a significant adverse effects on the environment. Therefore, the Board recommends that an Environmental Impact Assessment (EIA) should be required

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

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

1st July 2019

Linda Townsend
Senior Planner
Gloucestershire County Council



By email to 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 31st 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 31st May 2019 (as referred to above) and in our response to planning application 18/0010/CWMAJM, dated 28th 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 that extends to the right.

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 Statement¹, which was adopted by the Board on 25th 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

¹ <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's² '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

² 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 base³ 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.

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

15th June 2020

Linda Townsend
Senior Planner
Gloucestershire County Council



By email to Linda.Townsend@gloucestershire.gov.uk

Dear Linda

19/0086/CWMAJM - Variation of condition 7 (annual output of material) relating to planning consent 14/0101/CWMAJM dated 21/05/2015 to facilitate an increase of mineral export by 50,000 tonnes to a total of 100,000 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 planning application.

The Board has previously objected to a similar, previous planning application to double the output at Oathill Quarry from 50,000 tonnes per annum to 100,000 tonnes per annum (19/0032/CWMAJM). The reasons for the Board's previous objection primarily related to:

- 1) The increase in HGV movements and the adverse effect that this would have on the tranquillity of the Cotswolds AONB.
- 2) The cumulative impacts of the cluster of quarries in this locality.
- 3) The need for the increased output and the potential conflict with local and national policies, including the policies of the Cotswolds AONB Management Plan 2018-2023.

The Board acknowledges that the current planning application provides a more comprehensive assessment of these issues than the previous planning application. However, the Board still does not consider the proposed variation of condition 7 to be justified or to be compatible with the purpose of conserving and enhancing the natural beauty of the Cotswolds Area of Outstanding Natural Beauty (AONB).

On this basis, the Board objects to the proposed development and recommends that the variation of condition 7 should not be granted planning permission.

In addition, the Board is concerned by the applicant's inference (for example in paragraph 2.58 of the Environmental Statement Addendum) that the responses of statutory consultees have demonstrated that the proposed development would not result in any adverse effects such to undermine the characteristics and special qualities of the Cotswolds AONB. For the most part, these consultees have not commented explicitly on the effects of the proposal on the characteristics and special qualities of the Cotswolds AONB. The Board's advice on these characteristics and special qualities should be a key consideration.

The Board's comments on these topics is summarised below.

HGV movements and impacts on the tranquillity of the Cotswolds AONB

The Board was pleased to see that the current planning application has more thoroughly assessed the potential increase in HGV movements, rather than focussing on overall traffic movements, as in the previous application.

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However, we consider the plethora of transport assessment information provided in the Environmental Statement to be confusing. We are also concerned about the use of a mixture of *annual* average weekday traffic (AAWT) flow data and data specific to individual months. The most significant output from the quarry is in August and September, but using AAWT data could potentially disguise the peaks in output during these months.

Perhaps most importantly, the Board's own calculations, shown in Annex A, below, indicate that the increase in HGV movements on local roads resulting from the proposed increase in output could potentially be as much as 10%, rather than the 5.9% maximum identified by the applicant. As indicated in the Board's Tranquillity Position Statement, an increase in HGV movements of 10% should be considered significant.

The applicant implies that increases in HGV movements of less than 10% are of negligible significance. However, such increases could, in fact, still potentially be of moderate significance.

The planning applications does not provide measures to enhance the tranquillity of the Cotswolds AONB, for example, by removing and / or reducing existing sources of noise pollution and other aural and visual disturbance (as required in Policy CE4 of the Cotswolds AONB Management Plan 2018-2023).

Cumulative impacts

The applicant provides a useful summary of the status of the other quarries within the quarry cluster in this locality.

However, the applicant uses this information to indicate that there is no clear evidence of HGV movements having increased significantly over the last 10-20 years. For example, the applicant indicates that a number of quarries used to have no conditions limiting output but now do have such conditions in place. The applicant infers that this may mean that the output has not increased or has actually decreased. However, this inference takes no account of the fact that Naunton Quarry, for example, has significantly increased its scale of production in recent years.

The applicant also underplays the fact that several quarries in this cluster have secured the removal of restrictions on output and HGV movements. Securing the removal of such conditions is clearly a means of increasing output and HGV movements. However, the applicant does not address these increases in output and HGV movements in a satisfactory manner.

Policy conflict

As indicated in our response to the previous planning application, the Board recognises that provision should be made for the quarrying of limestone, at an appropriate scale, in order to provide building materials that help to maintain and enhance the local distinctiveness of the AONB (as stated in Policy CE5 of the Cotswolds AONB Management Plan 2018-2023).

However, this principle is undermined when the by-products of the quarry operation become the main output, as is the case at Oathill Quarry. The proposed variation would result in the by-product, agricultural lime, making up 50% of the quarry's output. Another by-product, crushed aggregate, would be included in the other 50% of quarry output. As such, agricultural lime and crushed aggregate would constitute more than 50% of the quarry output.

Table 2.1 of the Transport Statement Addendum shows that lime and aggregates together provided over 75,000t of the quarry's 83,000t output in 2019. In other words, these by-products constituted 90% of the quarry's 2019 output. This provides an even more alarming picture of the extent to which by-products output is exceeding output of block stone and walling stone.

The Board recognises that the production of some by-product is an inevitable part of the quarrying process. However, as indicated in paragraph 3.5 of the applicant's planning statement, the waste material which is used to provide the saleable by-product can comprise up to 50% of all material extracted. The applicant has not provided robust justification for the lime and aggregate output to constitute more than 50% of the total output and certainly not the 90% of output that these by-products represented in 2019.

Overall, the Board recommends that, in order to be consistent with Policy CE3 of the Cotswolds AONB Management Plan 2018-2023, agricultural lime and crushed aggregate, combined, should not be permitted to constitute more than 50% of the total output. Blockstone and walling stone should constitute at least 50% of the total output. Given the relatively low level of production of blockstone and walling stone (which constituted only 10% of output in 2019), there would be little justification for increasing total output on this basis.

The Board acknowledges that maintaining the status quo may result in some excess waste material at the cessation of mineral working. However, this potentially provides an opportunity to review the agreed restoration scheme to see if the quarry can be restored to a landform that more closely resembles the pre-quarrying landform (or at least, one that is more in keeping with the surrounding landform).

Need

The applicant has indicated that their contract to supply 35,000t of agricultural lime demonstrates the need for increased output of this by-product. However, this contract exceeds the output of lime that is currently permitted. Given that the contract requires the applicant to exceed their permitted output, it should not be treated as a material consideration in the planning decision.

The applicant indicates that the 35,000t of lime is distributed within Gloucestershire and neighbouring counties. However, they do not explicitly state how much is used within the Cotswolds AONB. It is surprising that there is a demand for such a product in the AONB, where the farmland that is located on limestone geology.

The applicant asserts that the need for the lime should constitute exceptional circumstances. However, it is worth pointing out that the lime only serves a relatively local need. This should be balanced against the national importance of the AONB designation.

The applicant asserts that if the lime wasn't provided by this quarry, it would have to be imported into the AONB and surrounding area from elsewhere. If this is the case, then this may still be a more desirable option than increasing output of lime at Oathill Quarry. For example, this option would help to control the cumulative impacts of HGV movements across this quarry cluster in this particularly sensitive area of the AONB.

The applicant dismisses the option of using alternative sites to supply the agricultural lime on the basis that this option is not considered to represent any improvement to the proposed scheme. However, this is not necessarily the case. Supplying agricultural lime from quarries that are not located in a protected landscape could potentially have significant benefits compared to securing this supply from quarries within a protected landscape.

If you have any queries regarding the Board's response, please do 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 that extends to the right.

John Mills
Planning & Landscape Officer

ANNEX 1. Cotswolds Conservation Board's Traffic Assessment

50,000t extra per annum = 2,500 extra HGV loads (at 20t per load) = 5,000 extra HGV movements

Table 2.1 of the Transport Statement Addendum indicates that the quarry had an output of 35,075t of lime in 2019, of which 15,157t (43%) was exported in August / September (the peak months for agricultural lime).

Table 5.2 of the April 2019 Transport Statement indicates that the 57% of the quarry's agricultural lime output was exported in August / September 2017.

If these two figures are averaged, the average % of agricultural lime output that is exported in August / September is 50%.

50% of the total extra HGV movements per annum = 2,500 HGV movements. In other words there would be an extra 2,500 HGV movements in August and September to deal with the increase in agricultural lime production. This provides an average of 1,125 HGV movements per month in August and September. This, in turn, equates to approximately 261 extra HGV movements per week, or 58 extra HGV movements (or 26 extra loads) per day.

If 50% of the loads head west and 50% head east (as indicated in Table 2.2 of the December 2019 Transport Statement, for example) this would equate to 13 HGV loads heading west each day and 13 HGV loads heading east. This is almost double the number identified in Table 2.1 of the December 2019 Transport Statement.

Table 1.5 of the December 2019 Transport Statement shows a baseline of 136 HGV movements east-bound on the B4077 east of Oathill Quarry. 13 HGV loads heading east from the quarry on this road would equate to 9.6% of this total.

In other words, the increase in output could potentially increase the HGV movements by 9.6%.

Whilst this doesn't quite exceed the 10% 'Rule of Thumb' threshold outlined in the Board's Tranquillity Position Statement, it comes very close and is significantly higher than the 5.9% predicted in the Transport Statement.

It is worth noting that a 10% 'Rule of Thumb' Threshold is the level above which a development might be considered to have significant adverse impacts and merit an Environmental Impact Assessment. Increases in HGV movements of less than 10% could still be considered to have an adverse impact of up to moderate significance, rather than the negligible significance implied in the applicant's environmental statement.

Linda Townsend
Senior Planner
Gloucestershire County Council



22 January 2021

By email only to: Linda.Townsend@gloucestershire.gov.uk

APPLICATION NO: 19/0086/CWMAJM

DESCRIPTION: Variation of condition 7 (annual output of material) relating to planning consent 14/0101/CWMAJM dated 21/05/2015 to facilitate an increase of mineral export by 50,000 tonnes to a total of 100,000 tonnes per annum

LOCATION: Oathill Quarry, Fiddlers Green, Temple Guiting, Gloucestershire, GL54 5SG

Thank you for consulting the Cotswolds Conservation Board ('the Board') on the further information that has been provided by the applicant in relation to the above planning application, as per the consultation notification dated 14 December 2020.

As you will be aware, the Board has previously objected to the proposed doubling of output at Oathill Quarry on two occasions, in letters dated 15 June 2020 (in relation to the same planning application) and 31 May 2019 (in relation to planning application 19/0032/CWMAJM). Therefore, this response should be considered in conjunction with the two previous responses.

The reasons that we gave for objecting to the proposed doubling of output in our two previous responses can be summarised as follows:

- The increase in HGV movements and the adverse effect that this would have on the tranquillity of the Cotswolds AONB.
- The cumulative impacts of the cluster of quarries in this locality.
- The questionable need for the increased output and the potential conflict with local and national policies, including the policies of the Cotswolds AONB Management Plan 2018-2023.

Therefore, a key consideration is whether the additional information that has subsequently been provided adequately addresses these concerns. This additional information consists of three documents:

- Geological Review
- Letter from Johnston Quarry Group
- Letter from David Jarvis Associates

Our analysis of these documents is provided in Appendix 1, below.

We acknowledge that the further information provided by the applicant does go some way to towards clarifying the need for the increased output. However, the information fails to adequately consider alternative options, such as the backfilling of worked out areas of the quarry. We are particularly concerned about the applicant's assertion that output would need to be increased at Guiting Quarry if the proposed increase in output at Oathill Quarry is not permitted. As explained in Appendix 1, this assertion indicates that agricultural lime and aggregates are important outputs in

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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

Chairman:
Brendan McCarthy
Vice Chair:
Rebecca Charley

their own right. This, in turn, undermines the applicant's assertion that their primary consideration is the high value dimension stone products.

Output of agricultural lime and aggregate should be kept to the minimum necessary to avoid sterilising the high value, dimension stone strata. We would strongly object to the output of agricultural lime and aggregate at Oathill Quarry, or Guiting Quarry, exceeding this minimum level.

Unfortunately, the applicant's comments relating to Guiting Quarry come across as a threat rather than as a well evidenced justification. They do nothing to help the operator's reputation as a 'good neighbour' to the local communities or as a responsible operator in a nationally protected landscape. On the contrary, they add weight to the need to restrict output at Guiting Quarry as part of the Review of Old Mineral Permissions (ROMP) that is currently being undertaken for that quarry.

The additional information does not address the impact of the increase in HGV movements on the tranquillity of the Cotswolds National Landscape or on the related topic of the amenity of local communities. Nor does it address cumulative impacts across the cluster of quarries in the locality of Buckle Street and the B4077. With multiple quarries in this cluster seeking to either continue, increase and / or re-start output, these are increasingly significant issues.

In order to address these issues, we recommend that a comprehensive assessment should be undertaken of cumulative impacts across this quarry cluster. Ideally, this assessment should be commissioned by the County Council, rather than by the quarry operators. Measures should then be put in place to manage these cumulative impacts in a way that allows for appropriate provision of dimension stone products whilst minimising adverse impacts on the Cotswolds National Landscape and on the amenity of local communities.

We recommend that planning decisions relating to this quarry cluster should be deferred until after this assessment has been undertaken. This recommendation applies particularly to the larger quarry sites in this cluster, including Naunton Quarry, Oathill Quarry and (if possible, under the ROMP process) Guiting Quarry.

If you have any queries regarding 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
Planning & Landscape Officer
john.mills@cotswoldsaonb.org.uk | 07808 391227

APPENDIX 1. COTSWOLDS CONSERVATION BOARD COMMENTS ON THE ADDITIONAL INFORMATION PROVIDED BY THE APPLICANT

Geological Review

The Geological Review document provides a useful explanation of the amount of material that will need to be moved in order to access and extract the Cotswold Cream and Guiting Gold strata from which the quarry's dimension stone products are derived.

As we have indicated in our previous responses, we recognise that provision should be made for the quarrying of limestone, at an appropriate scale, in the Cotswolds National Landscape. The primary use of the resulting quarry products should be to conserve and enhance the local distinctiveness of the built environment of the Cotswolds National Landscape.¹ In principle, where dimension stone products are being used in this way (and all other things being equal), we would not want the production of these products to be compromised as a result of excess by-product sterilising the mineral reserves.²

However, the Geological Review indicates that the Cotswold Cream and Guiting Gold strata has been worked out at the western end of the quarry and that the quarry operation is now heading in an easterly direction. As such, we are disappointed that no consideration has been given to moving at least a proportion of the excess by-product into the worked out areas as quarrying progresses and keeping it on site in the longer term, rather than exporting it. Presumably, if this by-product is stored in a worked out area, it would not interfere significantly with the production of the dimension stone products. If some of this by-product is kept on site, it could help to restore the quarry to a more natural landform.

Letter from Johnston Quarry Group

The letter from Johnston Quarry Group begins by helpfully clarifying that the operator's primary interest is to maximise the block and building and walling stone product, rather than aggregate or lime.

However, as with the Geological Review, the letter does not consider the scope for storing some of the by-product in worked out areas of the quarry without affecting the production of dimension stone products. If there is scope for this option then the adverse consequences of not granting planning permission might not apply as the production of dimension stone products would not be significantly affected.

It is disappointing and potentially misleading for the letter to suggest that the output at Guiting Quarry would have to be increased by 50,000 tonnes per annum (tpa) if the planning permission was not granted to increase the output at Oathill Quarry.

The Geological Review makes it very clear that the proposed increase in output at Oathill Quarry primarily relates to the removal of large quantities of low value by-product in order to access and extract the high value strata. The quantities involved are very specific to the geological conditions at Oathill Quarry (for example, depth of 'overburden') and bear no relation to the situation at Guiting Quarry.

¹ Policy CE3, paragraph 4, of the Cotswolds AONB Management Plan 2018-2023.

² It should be noted that 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 or integrity of existing wildlife sites*'.

The applicant has provided no evidence to indicate that the same amount of overburden would need to be removed at Guiting Quarry in order to access and extract the high value strata there. Indeed, given that extensive quarrying has already taken place at Guiting Quarry, the high value strata may well be more readily accessible than at Oathill Quarry.

The applicant's assertions relating to Guiting Quarry potentially indicate that they would want to increase the output of agricultural lime and aggregates in their own right, even if this wasn't required to avoid sterilising the Cotswold Cream and Guiting Gold strata. If this was the case, it would undermine their assertion that their primary interest is to maximise the block and building and walling stone product and that the increased output is required in order to avoid sterilising the high value strata.

Letter from David Jarvis Associates

The letter from David Jarvis Associates reiterates that the safeguarding of the natural building stone would not be threatened by the proposed development because only waste stone material would be crushed for aggregate.

The Board's position on related issues is addressed through our comments on the Geological Review and on the letter from Johnston Quarry Products.